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ARTICLE

What's Wrong with *Gender-Critical Feminism*?

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Abstract

In early 2023 Kellie-Jay Keen-Minshull—also known as Posie Parker—took her "Let Women Speak" tour throughout Australasia. One of those rallies made international headlines due to the attendance of a small group of neo-Nazis (members of the National Socialist Network) who proceeded to perform Nazi salutes on the steps of Parliament House and on the surrounding streets. At that very same rally an academic philosopher, Holly Lawford-Smith, gave a speech in support of gender-critical feminism. This paper is my attempt to make sense of that moment, through critical engagement with Lawford-Smith's book *Gender-Critical Feminism*. Since Lawford-Smith positions her book as a philosophical foundation for the gender-critical movement, my primary goal is to show that this philosophical foundation is both metaphysically and politically flawed. My secondary goal is to consider whether, and if so how, enactment of the philosophical views developed in that book would move us closer to the oppressive world neo-Nazis are trying to bring about.

1. Introduction

In early 2023 Kellie-Jay Keen-Minshull—also known as Posie Parker—took her "Let Women Speak" tour throughout Australasia. One of those rallies, in the city of Melbourne, made international headlines due to the attendance of a small group of neo-Nazis (members of the National Socialist Network) who proceeded to perform Sieg Heils on the steps of Parliament House and in front of counter-protesters while Parker's rally was under way.[1] This paper contributes to the ongoing task of analysing the ideological connections between this strand of feminism and the far right.[2] In addition, I hope to draw attention to the responsibility of the philosophical community to understand and respond to these connections. This responsibility is particularly acute given that a fellow philosopher, Holly Lawford-Smith, was speaking alongside Parker at that rally in Melbourne.[3]

Lawford-Smith is part of a political movement that calls itself "gender-critical", and that seeks to block, and in some cases reverse, policies and practices that affirm and

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respect trans people in their gender identities. For instance, the gender-critical movement has sought to restrict trans women's access to segregated public spaces such as bathrooms and changing rooms; prevent trans women and girls from competing in women's sports; resist changes to trans-inclusive language in healthcare, such as speaking of birthing parents as well as mothers; and block legislation that allows trans and gender diverse people to more easily change the sex listed on their birth certificates.[4]

Lawford-Smith's *Gender-critical feminism* (2022) lays out a philosophical foundation for this political movement. The book's status as an academic work, published by a highly reputable press, means that it provides intellectual respectability to the political movement—respectability that I hope to show is unwarranted. My primary goal in this paper, then, is to demonstrate that the philosophical foundation provided by Lawford-Smith for the gender-critical movement is both metaphysically and politically flawed.

I also have a secondary goal. I make no assumption that members of the Nationalist Socialist Network have had any exposure to, or would have any interest in, Lawford-Smith's book. However, I think it is nonetheless a pressing question whether, and if so how, enactment of the philosophical views developed in that book would move us closer to the oppressive world neo-Nazis are trying to bring about. I will argue at the end of this paper that it does. This ought to be a very troubling conclusion for anyone who understands themselves to be a feminist.

Before getting started, a brief meta-philosophical note: I recognize that opening this paper the way I have invites the charge that I am inappropriately using Lawford-Smith's personal activities to score philosophical points. A better approach, it might be suggested, would be to focus purely on the book as a philosophical piece of work, and consider its strengths and weaknesses on those terms. As I hope will become clear in what follows, much of my critique of *Gender-Critical Feminism* does in fact do just that: the metaphysical and political problems I identify in the three following sections would apply irrespective of the broader political context. Those who are uncomfortable with the further political lessons I seek to draw from Lawford-Smith's philosophical work are welcome to focus just on those sections, and read them purely as an intra-philosophical critique. However, I believe that to do so is to miss something important. Given the role Lawford-Smith wants her philosophical text to play in supporting the gender-critical movement,[5] it is essential that we also read it through that lens, and consider where such a political movement might lead us.

2. What is gender-critical feminism?

The label "Gender-Critical Feminism" captures a wide array of beliefs and commitments. In this paper I will focus just on the version of gender-critical feminism developed by Lawford-Smith in her book by that name, recognizing both that she may well reject some of the rhetoric and actions taken by others who proclaim themselves to be gender-critical, and that others—including academic philosophers—who are identified with the gender-critical label may well construe its philosophical underpinnings and political upshots differently to Lawford-Smith.[6] When I refer to "gender-critical feminism" throughout this paper, then, it should thus be read as referring only to Lawford-Smith's construal of it.

At its heart, gender-critical feminism involves a commitment to feminism being "a movement by women for the liberation of women" (Lawford-Smith 2022, 143). More precisely, according to Lawford-Smith, only those who are women are able to be part of

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the movement (though others are welcome to be allies); and the goals of the movement are directed only at advancing the position of those who are women (though others might incidentally benefit).

A key difference between gender-critical feminism and many other forms of feminism is that who counts as a woman, and hence as a member of the class of people gender-critical feminism is committed to liberating, turns on a certain understanding of biological sex. For Lawford-Smith, to be a woman is to be female, and female is "the sex that all going well produces large immobile gametes (eggs)" (2022, 1).

The goal of liberating women, meanwhile, is understood thus:

> The gender-critical feminist utopia is characterized by liberation for all female people from patriarchal oppression. For gender-critical feminists, this means no more gender norms, either masculine or feminine. This in turn means no more patterned male violence against women and girls … no more sex industry … no more sexual objectification of women and girls … no more sexual coercion, no more discrimination against women and girls … no more self-destructive behaviour by women and girls as a result of having internalized standards of femininity that they feel themselves not to be meeting. (165)

In other words, the myriad ways in which women are oppressed are taken to be caused by oppressive gender norms: get rid of the gender norms, and we get rid of gendered oppression. Importantly, though, the goal of gender-critical feminism is to overturn the oppression women face *as women*, not the oppression people who are women may face in virtue of other identities they hold. Lawford-Smith explains what that means as follows: "The easy test of whether something is an issue for women as women or women as persons is to ask whether the men of the further social group face the same issue" (157).[7] For instance, if we wanted to know whether the wage disparity experienced by Black women in America was a feminist issue, we would ask whether Black men likewise face a wage disparity. If they do, this is not a feminist issue, according to gender-critical feminism.

Gender-critical feminism is thus "a feminism for female people concerned with a single axis of oppression, namely the oppression of women as women, meaning, on the basis of their sex" (16). The scope of gender-critical feminism is therefore doubly restrictive: it is not an attempt to liberate all people within a particular class, because that would involve addressing all of the various forms of oppression they face; and it is not an attempt to tackle a particular form of oppression, because patriarchal oppression distributes benefits and burdens in ways that cross-cut biological sex. In sum: gender-critical feminism is a movement to tackle (a particular understanding of) patriarchal oppression, but only with respect to its negative effects on those who have certain biological features.

Another element that sets gender-critical feminism apart from other strands of feminism is the peculiar way it conceives of the relationship between sex and gender. As noted above, Lawford-Smith defines sex in terms of production of large gametes. Since this is understood to be a natural feature of human beings, sex is taken to be inherent and fixed. Gender, by contrast, is a system of norms that is imposed on certain people. So while gender-critical feminism is focused on defending and promoting what it calls 'sex-based' rights, it is

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> really not about [the] female *body* at all. Rather, it's about the way that people with those kinds of bodies have been subject to certain kinds of expectations and pushed into certain kinds of roles on the basis of them. We need to understand gender norms, the content of women's subjection to norms of femininity. (50)

More precisely, Lawford-Smith sees the relationship between sex and gender in terms of the imposition of gendered norms on those with female sexed bodies. She explains that process thus: "Babies are channelled into sex roles depending on what sex they are observed as being. Children are socialized according to socially constructed ideas about gender that are attached to people on the basis of sex" (47). A key feature of this picture—and the source of much of its metaphysical confusion—is the fact that it takes the extension of "female" and "woman" to be identical, while defining female in narrowly biological terms:

> For gender-critical feminists, feminism is about female people. We use the terms "female" and "woman" interchangeably to refer to these people. Gender-critical feminists do distinguish sex from gender, viewing sex as a biological fact and gender as a system of norms imposed on the basis of sex. But these distinctions pick out the same class of people, not different ones. (92).

In sum, then, to be a woman is to be subject to a system of norms, and all and only people who (under normal circumstances) produce large gametes are taken to be subject to those norms.

3. The metaphysical problem

There is a significant metaphysical problem with the relationship Lawford-Smith draws between sex and gender.[8] On her account, babies are assigned a sex role based on assumptions about the size of the gametes they will naturally go on to produce; this assignment means that a cluster of norms are imposed on those children; and this same imposition of norms continues for life. For it to be true that norms of femininity are imposed on all and only people who (all going well) produce large gametes, however, we would have to have an infallible capacity to determine everyone else's "natural" trajectory toward gamete production both at birth, and throughout their lives. We manifestly do not have such a capacity.

To start to see some of the difficulties this false assumption about our gamete-identifying capacities creates, we can compare the way Lawford-Smith understands the relationship between sex and gender to the way Sally Haslanger does.[9] According to Haslanger (2012, 132–33):

S is a woman iff

i) S is regularly and for the most part observed or imagined to have certain bodily features presumed to be evidence of a female's biological role in reproduction;
ii) that S has these features marks S within the dominant ideology of S's society as someone who ought to occupy certain kinds of social position that are in fact subordinate (and so motivates and justifies S's occupying such a position); and

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iii) the fact that S satisfies (i) and (ii) plays a role in S's systematic subordination, i.e., along some dimension, S's social position is oppressive, and S's satisfying (i) and (ii) plays a role in that dimension of subordination.

The key difference between Haslanger's account and Lawford-Smith's is that Haslanger defines woman in terms that include those who are *imagined* to have female reproductive features. This makes sense, if the goal is to understand the nature of gendered oppression, and if this goal is coupled with the assumption that such oppression has a causal connection to reproduction. From that perspective, though, what crucially matters is what is actually done to particular people. The upshot, then, is that even if the dominant ideology is *intending* to subordinate all and only individuals with a particular biological feature, who is *actually* oppressed cannot but turn on who gets *read* as having that feature.[10]

Lawford-Smith does acknowledge Haslanger's alternative definition of "woman," but she rejects it on the grounds that norms are in fact applied on the basis of sex, so even if there might be momentary errors in application, these will be corrected. As she puts it: "The reason why people apply norms of masculinity to male-looking people is that they assume they are male. When they find out they had made a mistake, they generally don't continue to apply the norm (as long as they believe what is being said)" (55). She supports that claim with the following hypothetical:

> Suppose a female-looking male person is taking an Uber Pool with a few other male passengers when the driver's GPS messes up. One of the men jokes that he'll navigate, because "she" probably isn't any good with maps. All the female-looking male person has to do is point out that he's in fact male for this sexist assumption to fall away. (55)

According to Lawford-Smith, then, someone who is such as to (all going well) produce small gametes is able to 'escape' being gendered as female, and hence can avoid having subordinating norms applied to them, simply by pointing out that they are male.

I'll focus here on two significant problems with this assumption. The first is that many trans women have very good reasons not to disclose that they were assigned male at birth. So even if it were true that doing so would suffice to escape oppressive gendered norms, the fact that many trans women do not so disclose means that they will continue to be subject to the very norms Lawford-Smith takes to define being a woman. Assume for the sake of argument that the "female-looking person" in the example is a trans woman, who does not disclose she is trans. Whether or not the sexist men in the Uber pool were trying to track gamete production is irrelevant—they are applying feminine norms to someone, and on Lawford-Smith's own terms this is how we are oppressed as women.

Lawford-Smith's insistence that sex and gender have the same extension (where sex is understood as a natural kind, defined in terms of gamete production) involves a metaphysical sleight of hand. Even were it true that gendered norms are "applied on the basis of sex," the fact that people cannot always determine one another's gamete productions means the class of people who count as female, on Lawford-Smith's definition, will come apart from the class of people who count as women, again on her very own definition.

The second problem with Lawford-Smith's assumption that a trans woman could escape misogyny by declaring herself male, however, is that it is simply not true that

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gendered norms are only ever applied on the basis of (beliefs about) biological sex.[11] Lawford-Smith presupposes that, were a "female-looking male" to convince others that she has, or was born with, a penis, they would simply drop the imposition of norms of femininity. This presupposition entails a wilful denial of the existence and perniciousness of transmisogyny.[12] As trans women frequently attest, disclosure that they were assigned male at birth does not lead not to the removal of sexist norms; in fact, especially in intimate situations, it leads to an increased risk of sexualized violence.[13] In other words, not only can't trans women escape feminine gender norms by declaring themselves male, attempting to do so results all too often in triggering the most egregious of gender norms, namely the licensing of sexual violence.

The imposition of norms of femininity on trans women is also evident in the workplace: in an economic study, Schilt and Wiswall (2008) estimate that, post-transition, trans women experience a 30% drop in average income. Since these data are from a sample where only 17% described themselves as "always passing" as women, the imposition of norms of femininity was clearly not due to belief that these women produced large gametes. Schilt and Wiswall's results are echoed in a later study by Geijtenbeek and Plug (2018), which finds that trans women in the workplace are subject to both a "transition penalty" *and* a "gender penalty," suggesting further that income loss cannot be explained just in terms of transphobia. As they put it, "MTF workers after their transition are penalized twice: once as a legally registered female, and once as an openly LGBT worker." Likewise, in a qualitative study on workplace relations, Schilt and Connell (2007) report the experience of Lana, a trans woman who was forced out of her company after transitioning: "The only thing I remember [my business partner] saying in the entire three days was, 'How can you expect to run a company when all you're going to be thinking about is nail polish?'" Lana was here subject to norms of femininity despite her colleagues knowing full well her assigned sex at birth—a phenomenon Lawford-Smith denies happens.

Before turning to the political implications of Lawford-Smith's metaphysics, it is worth noting that there is a potential way to reinterpret her metaphysical picture that would vindicate her claim that the extension of female and woman were identical—namely, to adopt a Searlean theory of social facts.[14]

For Searle (1995, 2010), social facts are theorized in terms of collective recognition that objects/individuals meeting certain criteria have certain deontic powers. For example, money is a social fact, constituted through collective recognition that certain pieces of metal and paper—i.e., those that were produced in a mint—have the power to be used in commercial exchange. Likewise, a national border is a social fact, constituted through collective recognition that a certain geographically specified line has the power to block unauthorized crossing. If we took gender to be a social fact, constituted through collective recognition that those who (all going well) produce large gametes were to have certain deontic powers (where deontic powers includes restrictions as well as privileges), then we would have an explanation as to why the extension of female and woman would be identical. This is because, on the Searlean approach, what fixes membership in the kind is the collective "rule," not the beliefs of particular individuals as to whether that rule has been met in a given instance. In other words, people can be mistaken about a token of a kind, without it ceasing to be a member of a kind. To illustrate: every note printed at the mint counts as money even if, in a given moment, no one recognizes a particular note as legal currency. Similarly, on this model, the Presidency of the United States is determined by the collectively accepted rule that the role goes to whoever gains the most electoral college votes; and this is so irrespective of who the general public

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believes to be President. Likewise, the argument might go, the collectively accepted rule is that all and only those individuals who (all going well) produce large gametes are women, irrespective of the assumptions others make about their bodies at any given moment.

While this is a theoretically coherent way to understand the metaphysics of gender, it is important to stress the implications adopting it would have for the broader commitments animating *Gender-Critical Feminism*. While such a theory would provide a metaphysically respectable foundation for the claim that trans women are not women, it is incompatible with the claim that the gender-critical feminist movement is fighting against the actual application of oppressive norms of femininity to specific individuals—a claim that is foundational to Lawford-Smith's explanation of the wrongs of gendered socialization. Recall, she takes gender-critical feminism to be "about the way that people with those kinds of bodies have been subject to certain kinds of expectations and pushed into certain kinds of roles on the basis of them. We need to understand gender norms, the content of women's subjection to norms of femininity" (50). In passages such as these, the way Lawford-Smith discusses gender is much closer to the metaphysical picture developed by Ásta. According to Ásta (2018), to be a member of a social kind is to be subject to a cluster of constraints and enablements.[15] While those constraints and enablements are typically imposed on the basis of metaphysical assumptions—what Ásta calls "base properties"—people can be mistaken about who/what possesses the relevant base property, and hence impose constraints and enablements on someone/something that lacks them. Since what matters for Ásta is who is subject to the constraints and enablements, possession of the "base property" does not determine who is a member of the kind; all and only those who are actually subject to the constraints and enablements are members of the kind. For Lawford-Smith, too, what seems to matter is who is in fact subject to norms of femininity. For consistency's sake, then, Lawford-Smith ought to adopt an Ásta-rian account of the metaphysics of gender—but this would undercut her clam that trans women cannot be women, since (as argued above) trans women very clearly *are* routinely subject to norms of femininity.

Where the Searlean picture *does* seem to accord with Lawford-Smith's account is in her description of some of the legal barriers women have historically faced. She writes:

> [S]ex categories have political importance. They allow us to name a caste of people who have been oppressed and excluded from public life. It is female people, not people who perform femininity or people who identify as women, who were denied the vote, until 1893 in New Zealand (the first country to grant full suffrage to women), until 1920 in the United States, and until 2015 in Saudi Arabia. It is female people who have struggled since the end of the 16th century to secure rights to abortion, with abortions of all types (including as a result of rape or incest) still being illegal in twenty-six countries today. It is female people who were excluded from work and from public life, for example in Australia women were not elected into the Commonwealth Parliament until 1943; didn't have the right to drink in a public bar until 1965; and were forced to resign from their jobs in the public service or in many private companies when they got married during the 1960s. (47–48)

Leaving aside the implicit but false assumption that trans women have been free of such constraints, a key feature of Lawford-Smith's characterization of these laws is that they attach to a person's sex rather than her gender. However, if we are to understand these

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laws as indeed attaching to sex rather than gender, we need to understand sex itself—at least as it appears in examples such as these—as a Searlean social kind.

Before explaining why that is so, it is important to note that Lawford-Smith explicitly rejects the possibility that sex itself might be a social kind:

> [S]ex is *not* socially constructed. In philosophy, when we talk about "social construction", we're generally talking about thoroughly social entities: paradigmatically, money, universities, corporations. For example, if people didn't together believe in the authority of the university to award degrees, universities would not have that authority. There would not be such things as degrees, conferring status upon people and making them more employable. There are rocks, mountains, and lakes out there in the world, and they would be there whether we did anything or not. But "universities" and "degrees", and the "authority to award degrees", are all in the world because of us, because of our shared beliefs and attitudes. Sex is like rocks and trees; gender is like money and universities. Sex is out there in the world, whether we choose to care much about it or not. Gender depends on us (or depends in large part on us). (42-43)

I am willing to concede for argument's sake that who does or does not (all going well) produce large gametes is "out there in the world" and hence a potential candidate for a natural kind.[16] But who is or isn't allowed to vote is manifestly *not* "out there in the world." It is, in fact, the very sort of deontic power that, on the Searlean view explained above, makes its possessor a member of a social kind. To clarify, on the Searlean view deontic powers very often attach to a physical object. Absent the powers we collectively agree it has, a dollar bill is just a piece of paper; only with those conferred deontic powers does it become a piece of legal currency. The same is true of classes of human beings: absent the powers we collectively agree he has, Donald Trump is just a human being; only with those conferred deontic powers is he President of the United States. Likewise, those who (all going well) produce large gametes are just biological creatures; it is only with the conferral of deontic powers—in this case primarily liabilities and restrictions, rather than entitlements—that we become a member of a "caste of people" subject to restrictive laws.[17]

The upshot is this: we can fruitfully distinguish between three distinct kinds relevant to sex/gender: there is a natural kind with bio-medical import, which we might call "biological sex"; there is a Searlean social kind, membership in which has traditionally been conferred on those presumed to be a certain biological sex, and which carries with it certain deontic powers, and which we might call assigned sex; and there is an Ásta-rian social kind, membership in which is conferred through being subject to gendered norms and forms of treatment, and which we might call gender.[18] This three-way distinction would enable us to analyse everything Lawford-Smith wants to analyse: disadvantages that accompany female embodiment; legal restrictions imposed on those classed as females; and the harms of being subjected to oppressive gender norms. Moreover, it would enable us to do this in a much more fine-grained way, teasing biological differences apart from the imposition of sex-class disadvantages, and differentiating both from the phenomenon of gendered norms. The only thing gender-critical feminism would have to abandon, in order to adopt this theoretically advantageous framework, is its commitment to the claim that trans women are not women.

In this section I have identified two key problems with the metaphysical story Lawford-Smith tells about the relationship between sex and gender: first, that there is an incoherence to the claim that the extension of woman is identical to the extension of

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female, given how each of those have been defined; and second, that it is both implausible and (to put it charitably) grossly naïve to claim that all and only those who (all going well) produce large gametes are subject to norms of femininity. I then considered a way to potentially resolve the first of these problems, by adopting a Searlean account of social facts, but argued that this approach is only applicable to assigned sex and not to gender. This led to the suggestion of a metaphysical picture that would better serve Lawford-Smith's proclaimed goals—one that draws a distinction not just between sex and gender, but between biological sex and assigned sex.

If the problem with gender-critical feminism were simply that it rested on a naïve metaphysics, this would be the end of the story. However, as I will go on to argue in the next section, this problematic metaphysical picture supports a problematic political agenda.

4. From bad metaphysics to bad politics

In this section I identify three political problems that follow from the metaphysical picture Lawford-Smith develops.[19] The first, most self-evident, problem concerns its failure to grapple with the reality of transmisogyny. The second problem is more subtle, but no less significant: enacting the metaphysical worldview envisaged by Lawford-Smith would reify, rather than challenge, the very gender categories gender-critical feminism purports to be aimed at abolishing. The third problem is a predictable side effect of the first two: obliviousness to the realities of transmisogyny, coupled with support for policies that would reinforce existing gender boundaries, effectively leads Lawford-Smith to advocate for a world in which trans and gender diverse people would be even more marginalized, and offered even fewer public protections, than they are today. While Lawford-Smith is at pains to stress that gender-critical feminism is not hostile to trans people ("Gender-critical feminism is not anti-trans. In fact, characterizing it as 'anti-trans' is a kind of anti-feminist propaganda," 94), close examination of the political upshots of *Gender-Critical Feminism*'s philosophical views raises significant doubts about that claim.

Here is the first political problem: Lawford-Smith's commitment to the idea that gendered norms track biological sex leads her not only to a refusal to see the oppression of trans women as an issue that feminism ought to be concerned with, but even more radically to an implicit denial that transmisogyny could even be possible. We saw a glimpse of this above with her example of the Uber passengers: because Lawford-Smith assumes that a trans woman can liberate herself from norms of femininity simply by declaring herself to be a biological male, the possibility that a trans women could face sexualized violence precisely *because* she is a trans woman is obscured from view. Yet this is in fact tragically common.[20]

Because of this oversight, Lawford-Smith's approach creates the very distinct risk of victim-blaming: if it were true that disclosing her status as trans would suffice to prevent a trans woman from being oppressed as a woman, then her failure to so disclose, and her subsequent oppressive treatment, would be entirely avoidable. Coupled with Lawford-Smith's rejection of gender identity as a category worthy of protection (more on which below), a trans woman would have no legitimate reason to refrain from disclosing—and so she would be responsible for not taking the easy path to block the oppressive treatment.

Even leaving the issue of victim-blaming aside, Lawford-Smith is committed to the claim that the oppression of trans women ought not be a concern for feminism. It is worth stressing the philosophical contortions Lawford-Smith is compelled to undergo in

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order to hold to that claim. Here is an analogy she draws, directly after her presentation of the hypothetical Uber ride, intended to show that Haslanger's account of gender is wrong:

> To make the point in a slightly sillier way, suppose that there is a black market in zebras because people will pay excellent money for their striped hides, and an entrepreneur comes up with the idea of painting donkeys to look like zebras and then charging hunters for access to the land where these "zebras" are. If we wanted to describe the killing of zebras for human economic gain as morally repugnant, would we say, "zebras are hunted because hunters can make serious money from selling their hides", or would we say "animals are hunted on the basis of observed or imagined bodily features presumed to be evidence of being a zebra, because hunters can make serious money from selling their hides"? It seems quite obvious to me that we wouldn't say the latter. (55)

Leaving aside that no one actually talks like a philosopher's definition, I take it to be obvious that anyone who cared at all about animal welfare would say something closer to the latter; and that even if our primary concern were preventing the hunting of zebra (perhaps they are endangered in this imagined world, unlike donkeys) our political action would nonetheless include attempting to change the circumstances that led to hunters targeting hides that looked a certain way, and not restrict itself just to saving zebra, come what may to the donkeys.[21]

Translating the analogy back to its intended analogue, the political problems with it are even more stark: cis women and trans women alike are human, and so whatever intuitions are pumped by there being two different species in the analogy do not apply here. Insofar as we are concerned with preventing violence against women, it is because violence against humans is wrong, and women are more likely to be targets of (particular forms of) violence. Since trans women are even more likely to be targets of gendered violence than cis women (Blondeel et al. 2018; James et al. 2016), excluding them from a movement one of whose core aims to is to prevent gendered violence is both conceptually and morally indefensible.

The second, more subtle, political problem that arises from Lawford-Smith's metaphysics concerns the inadvertent reification of both assigned sex and gender. This is significant, because Lawford-Smith is explicit about wanting to abolish the latter: she claims that "[Gender-critical feminism's] central goal is the abolition of the norms of femininity (of gender in its entirety)" (60). In doing so, Lawford-Smith aligns herself with the gender abolitionism of radical feminists. For example, in a passage aiming to identify continuities between gender-critical feminism and second-wave radical feminism, she writes: "For those radical feminists who understood gender to be the socialization of the sexes into social roles (femininity and masculinity), the solution was obvious: gender abolitionism (sometimes also 'gender annihilation')" (44). What Lawford-Smith fails to recognize, though, is the role that some of the very practices she supports play in reifying the connection between biological sex and gender, and hence sustaining gender norms. This reification occurs because the practices in question both amplify and disguise the salience of assigned sex. They amplify it by making sex a key factor in how we structure social space—who is allowed where; who can fill what roles—thereby incorporating further deontic powers into the social kind (i.e., assigned sex). Yet at the very same time, they disguise the fact that any of this has to do with social kinds, by declaring the rules to apply in virtue of biological sex. This naturalization of assigned

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sex gives gender norms an even firmer target to attach to: the more our lives are regulated by assigned sex, where the justification offered for those rules appeals to *biological* sex, the more we inculcate the idea that men and women are naturally and fundamentally different, and hence ought to be treated differently.

Where things start to go wrong for Lawford-Smith on this issue is her disagreement with those radical feminists, such as Marilyn Frye, who see the pathway to gender abolitionism as running through the abolition of sex categories. In Lawford-Smith's words, "[Frye's] point is that there could not be a dominance-subordination structure without caste boundaries, and these particular caste boundaries depend on the constant identification of sex" (42). Lawford-Smith, by contrast, denies that abolishing gender requires abolishing sex—she takes the latter to be impossible, precisely because she sees sex as a natural kind, but also to be unnecessary. She writes, "An alternative to 'disappearing' sex is to 'disappear' the mistaken expectations that we pile onto sex instead—all the assumptions about what follows from the reproductive and other bodily differences between the sexes" (43). Once we see that sex can be understood as both a natural and a social kind, though, it becomes clear that Lawford-Smith is mistaken to hold that sex cannot be abolished—as a social kind, it very much can be. Moreover, she is also mistaken to believe that its abolition is irrelevant to the goal of abolishing gender norms.

As noted in section 2, I do not dispute the existence of natural kinds we might call biological sex. What I have sought to draw attention, to, though, is the existence of parallel Searlean social kinds: what I am calling assigned sex. We are brought into these social kinds at birth, from the moment the doctor pronounces "it's a boy/girl!" Our induction into the kind is inscribed on our birth certificate, and reinscribed through a litany of social and legal practices, such as the 'M/F' listings on passports and drivers' licenses. Membership in this quasi-legal kind often correlates with membership in a corresponding Ásta-rian gender kind, with those tagged as "F" typically subject to oppressive gendered norms.[22]

With these distinctions on the table, we can ask what the most viable pathway is to abolishing gendered norms; or in Lawford-Smith's terms, how we might "'disappear' the mistaken expectations that we pile onto sex." The first thing we might do, I suggest, is to make visible the role of assigned sex in our social practices. It is not the size of our gametes that historically determined whether or not we were allowed to vote, it was whether we were legally recognized as female; and it is not the size of our gametes now that determines which bathroom we are permitted to use, but social (and in some places legal) rules applied to our assigned sex. This distinction is crucial to understanding a key point of disagreement between gender-critical and trans-inclusive feminists. As Lawford-Smith points out, "even if [trans-inclusive] feminists ... admit to sex as a biological category, they repudiate its significance or importance as a political or social category" (93). What Lawford-Smith fails to recognize is the importance of repudiating the significance of biological sex as a legal and social category, whilst simultaneously decrying the outsized role that assigned sex has played in the oppression of women. If one of gender-critical feminism's goals is to end the legal oppression of those classed as female, it needs to pay much closer attention to the role that *classing* as female has played—and consider how we might deconstruct those classes. Obscuring this level of analysis, and attributing all oppression to either "natural" disadvantages attached to biological sex or the imposition of gendered norms, makes this much harder to do.

This critique can also be taken a step further: gender-critical feminism not only lacks the resources to adequately tackle gendered oppression, its approach to the sex–gender

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distinction actually exacerbates it. As Lawford-Smith acknowledges, gender is constructed and maintained through social practices. However, while she acknowledges the role of oppressive norms, she fails to see the wider array of social practices that fix individuals in assigned sexes, and thereby render them targets of those gendered norms. For instance, how we regulate social space, including who is permitted to use which bathrooms, shapes what it is to be a member of an assigned sex kind by shaping the deontic powers attached to that kind. Increasing such regulation, ironically, is a key goal of gender-critical feminism. Consider, for instance, the list of concrete political proposals Lawford-Smith takes her metaphysical framework to support, which can be found in the Manifesto that closes *Gender-critical Feminism*, and includes the following demands (203–05):

- Reassertion of the importance of female-only spaces (bathrooms, changing rooms, prisons, etc.)
- Rejection of transwomen acting as women's officers for any party (regardless of their gender identity)
- A reassertion of the importance of language that refers to female people and articulates political problems affecting female people, including the terms "woman," "female," "lesbian," "mother," and "wife"
- Reaffirmation of the sex/gender distinction
- Preservation of female sporting categories

Whatever other objections we might raise against these demands (including, most importantly, the harms they would inflict upon trans and gender diverse people), my focus here is on their reificatory effects. The more we regulate social space by reference to assigned sex, the more visible and salient we make those social kinds. Moreover, when the rhetoric attached to such regulation appeals to innate biological characteristics, it both naturalizes and renders invisible the assigned sex kind. Such practices thus encourage the belief that sex is nothing more than biology, while at the very same time making assigned sex into a highly significant political category. To make matters even worse, such practices very often generate additional gendered norms of treatment (e.g., that it is appropriate to violently apprehend "biological males" who transgress social space; and that "biological females" are inherently weak and vulnerable), thus exacerbating the gendered oppression Lawford-Smith is aiming to dismantle.

Even something as common as the use of pronouns has a role to play in shaping Searlean social kinds. Lawford-Smith defends the use of misgendering, claiming that "'misgendering' is accurately referring to sex, and the ability to accurately refer to sex can matter a lot" (137). I don't deny that there are contexts in which being able to identify who has what reproductive features matters—for instance, in determining who ought to receive a prostate check—but the contexts in which we use gendered pronouns far exceed those. (Nor, of course, do we need to misgender someone to provide them with essential healthcare.) In all of the myriad social contexts in which we use gendered pronouns, to insist on using pronouns that align with what we believe to be facts about others' biological sex is to (re)construct and reify the Searlean social kind of assigned sex, and moreover to infuse it with a particular kind of meaning: namely, that this social kind is a manifestation of inherent biological differences. This in turn makes sex categories an even more prominent target for the imposition of oppressive gender norms. To put the point another way: pronouns are part of how we sort individuals into different social kinds—both assigned sex and gender. The "rules" about which pronouns apply to which

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individuals determine what features of people are taken to have the most social salience. By privileging (presumed) biological sex in the most basic and frequent of our practices of sorting one another, the gender-critical approach to pronouns reinforces the idea that it is appropriate to treat one another differently, based on our (presumed) biological features. If the goal is to abolish gendered norms, insisting on foregrounding (presumed) biological sex in all of our day-to-day interactions seems an odd way to go about it.

The reification of gender categories is bad for everybody. The third political problem, by contrast, concerns the harms that would be inflicted specifically on trans and gender diverse people, were the world envisaged by gender-critical feminism to be brought about. Here, I shift away from the text of *Gender-Critical Feminism* to focus on public pronouncements Lawford-Smith has made in her capacity as a gender-critical feminist. These pronouncements go beyond the metaphysical and political views developed in the book—one could, presumably, accept all those claims and still reject these pronouncements. However, the metaphysical claims laid out in *Gender-Critical Feminism* do provide a logical pathway to pronouncements such as these. Moreover, as noted in the introduction, *Gender-Critical Feminism* is intended to provide a philosophical underpinning to the political movement. Such considerations bring these public pronouncements into the purview of my critique.

At the "Let Women Speak" rally mentioned in the introduction, Lawford-Smith gave a speech consisting of three short stories. This is a lightly edited transcript of that speech.[23]

> Story 1: In the late 1920s, a man named Einer Wegener went to his doctor in Denmark and said he'd like to become a woman. His doctor said "don't be silly Einer, humans can't change sex." Einer went home. . . .
>
> Story 2: In November 2006 a group of law and human rights experts met in Indonesia to work out a set of principles about gender identity that they hoped would become international law. One of the experts suggested adding the following: "each person's self-defined gender identity is integral to their personality, and is one of the most basic aspects of self-determination, dignity, and freedom." But then one of the other experts asked: "what exactly is a gender identity?" The experts had a long, calm discussion about this and realized they'd been using the wrong word. They meant personality. They amended the principle to "each person's personality is one of the most basic aspects of self-determination, dignity, and freedom." This became known as the Yogyakarta Principle. It's not very well known, though, because people already knew in 2007 that personalities were important. The experts went home and did not have very remarkable careers after that.
>
> Story 3: It was the year 2013 and the Prime Minister of Australia was a woman called Julia Gillard. The people of Australia were very happy to have a woman Prime Minister and were not rude to her at all. A law was proposed to amend the Sex Discrimination Act, which had been introduced in 1984 for the purpose of eliminating discrimination against women in the public arena. The amendment proposed to take the definitions of man and woman out of the Sex Discrimination Act. But when it came time to discuss the amendment the other politicians said "Hey, have we really thought of the long-term effects on women here?" They decided not to pass the amendment until they had thought about all the implications properly.

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To unpack the moral of these stories, and to understand the kind of world they are aiming to bring about, requires some background.

Einer Wegener, the key protagonist of Story 1, was more commonly known as Lili Elbe.[24] Elbe was one of the first trans women to have gender affirming surgery, which she did over a period of two years following an evaluation at Magnus Hirschfeld's Institut für Sexualwissenschaft in Berlin in the 1930s (Hirschfeld's Institute was destroyed by Nazis shortly thereafter). The most natural reading of this story, given its context in a series of "alternative world" hypotheticals, is that the world would be a better place without gender affirming surgery, notwithstanding the widely documented evidence that withholding such care from trans and gender diverse people is deeply harmful.[25] The story also presupposes that sex is inherent and immutable, and mocks those who think otherwise—"don't be silly Einer, humans can't change sex." As we've seen above though, how "silly" such a proposition is depends crucially on whether we understand sex to be a biological or a Searlean social kind. Whether or not humans can change biological sex depends on precisely which biological markers we take to define sex, and whether or not these can be altered. Whether or not humans can change biological sex is also neither here nor there: when people like Lili Elbe change sex, they are changing the social kind to which they belong, and there is nothing at all silly about that. To prevent such a transition is not to "tell the truth" about biological reality; it is to affirm a particular rule for who is to be assigned to which social class, a rule which manifestly harms trans and gender diverse people.

The world envisaged in this story is materially worse for trans and gender diverse people, who would not only be denied access to gender affirming treatment, but mocked for seeking it. While someone could believe in the immutability of sex without taking such a stance, the metaphysics laid out in *Gender-Critical Feminism* provide fertile ground for it: sex reduces to gametes, and there is no such things as assigned sex; therefore, those who take themselves to be able to "change sex" must be delusional about biological reality.

Turning now to story 2: the Yogyakarta Principles were developed by an International Panel of Experts in International Human Rights Law and on Sexual Orientation and Gender Identity, and were adopted in 2006.[26] Principle 3 is the focus of Lawford-Smith's critique. The relevant passage reads:

> Each person's self-defined sexual orientation and gender identity is integral to their personality and is one of the most basic aspects of self-determination, dignity and freedom. No one shall be forced to undergo medical procedures, including sex reassignment surgery, sterilisation or hormonal therapy, as a requirement for legal recognition of their gender identity. No status, such as marriage or parenthood, may be invoked as such to prevent the legal recognition of a person's gender identity. No one shall be subjected to pressure to conceal, suppress or deny their sexual orientation or gender identity.

The moral of story 2 is less transparent, in part because the context of the targeted text makes clear that it is primarily pressing for the ability to change assigned sex on the basis of self-determination, rather than seeking to define gender identity. Given the Principles' stated aims, though, the fact that Lawford-Smith invites her audience to imagine a world in which those Principles were never developed implies that a person's gender identity ought not be respected in law (or at least that respect for it need not be constrained in the ways listed).

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As with story 1, the world imagined in this story is one that is materially worse for trans and gender diverse people; and as with story 1, it is a world that makes more sense in light of (even if it is not fully determined by) the metaphysical commitments of gender-critical feminism: sex is biological, and gender is merely a set of imposed norms, so there is no category an individual could self-select into that would warrant legal recognition.

The final story refers to an amendment to the 1984 Sex Discrimination Act in Australia, passed in 2013.[27] The key purpose of this amendment was to expand the scope of the Act. To that end, whereas the 1995 version "Recognis[ed] the need to prohibit, so far as is possible, discrimination against people on the ground of sex, marital status, pregnancy or potential pregnancy," the amended Act "Recognis[es] the need to prohibit, so far as is possible, discrimination against people on the ground of sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy or potential pregnancy, breastfeeding or family responsibilities." As part of this process, the amendment also removed the definitions of "man" and "woman" that had been in the original Act.[28] The explanation given for their removal was this:

> These items will repeal the definitions of "man" and "woman" from subsection 4(1). To the extent these terms appear in the Act, they will take their ordinary meaning. These definitions are repealed in order to ensure that "man" and "woman" are not interpreted so narrowly as to exclude, for example, a transgender woman from accessing protections from discrimination on the basis of other attributes contained in the SDA.[29]

Since sex remains a protected characteristic in the revised Act, the most plausible reason to object to removing the definitions of man and woman, as Lawford-Smith does, is precisely to allow the exclusions the changes seek to prevent, so that a trans woman could not, for instance, seek remedy for sexual harassment she experiences as a woman. Once more, we are being invited to imagine a world that is materially worse for trans and gender diverse people; and once more, this is a world that makes more sense in light of the metaphysical commitments of gender-critical feminism.

Let me draw these arguments together to make a stronger point: here we have a self-proclaimed feminist inviting us to imagine a superior alternative world: a world in which there is no access to gender affirming surgery, where gender identity is mocked as a category error, and where there is no political or legal commitment to protecting trans and gender diverse people from discrimination and violence. And she is doing this alongside a provocateur who has said she 'likes the imagery' of a trans woman being nailed to a tree by her penis,[30] and at the same event where neo-Nazis are marching under a banner to "Destroy Paedo Freaks" (see Figure 1). In these circumstances, the claim that gender-critical feminism is not hostile to trans people becomes a lot harder to take seriously.

5. From bad politics to noxious political bedfellows

In this penultimate section I would like to circle back around to the situation that prompted this paper, namely the support given to the "Let Women Speak" rally by the neo-Nazi movement in Melbourne.[31] There is a lot that could be said about the actions—and inactions—of those involved with Posie Parker's "Let Women Speak" rally

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Figure 1. National Socialist Network members performing the Nazi salute on the steps of Parliament House in Melbourne. Photo credit: Victorian Socialists.

that day. For instance, local organizer Angie Jones responded to public outrage at the presence of neo-Nazis with the tweet "Nazis and women want to get rid of paedo filth. Why don't you?" Lawford-Smith, meanwhile, responded to a question on Twitter/X about why she didn't publicly denounce the neo-Nazis' presence when she had the microphone with the retort: "why would I use my very limited time speaking (less than three minutes) denouncing, rather than talking about women?" Both responses, to my mind, indicate a profound failure to take the far-right threat seriously.

My primary focus here, though, is on why the neo-Nazis aligned themselves with the rally in the first place. While the most straightforward explanation for the neo-Nazi presence at the Posie Parker rally is their attraction to her violently transphobic rhetoric,[32] I think there is potentially something deeper occurring. Of course, the Melbourne neo-Nazis in attendance that day had almost certainly not read Lawford-Smith's book, nor am I suggesting they would approve if they did. What I am suggesting is that there are key elements of the worldview developed in *Gender-Critical Feminism* that, if implemented, would bring us closer to the world imagined by neo-Nazis. Those elements, discussed in the previous two sections, find expression in the policy proposals gender-critical feminism supports, and the rhetoric that gets used to advocate for them. My claim, then, is that gender-critical feminism risks being a useful, even if unwitting, ally to the far right.

Biological difference is crucial to fascism. Fascists strive to build a world in which people are sorted hierarchically according to inherent features, including reproductive ones.[33] While its self-proclaimed goal is the abolition of gender hierarchy, the gender-critical movement shares the goal of sorting the population according to inherent reproductive features, and segregating social space on that basis. We see that vividly in the demands Lawford-Smith lays out at the end of her book. Such demands obscure the role of assigned sex in women's oppression, and instead tie the explanation back to biology. As such, they reinforce the idea that biological sex is an appropriate category around which to structure social practices. There is, of course, a key difference here between the gender-critical worldview and that of the neo-Nazis, namely that while gender-critical feminism seeks to arrange the social world according to (presumed) biological traits, the neo-Nazis want to further arrange those categories into a hierarchy. I am certainly not suggesting that gender-critical feminism either explicitly or implicitly

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supports such hierarchical arrangements. It does, however, lay the groundwork for such hierarchies through reinforcement of gender categories, and resistance to practices that would destabilize or dissolve those categories.

As Marilyn Frye (1983, 33) so astutely observed, "The forces which make us mark and announce sexes are among the forces which constitute the oppression of women, and they are central and essential to the maintenance of that system." Crucially, she goes on, oppression "could not exist were not the groups, the categories of persons, well defined. Logically, it presupposes that there are two distinct categories. Practically, they must be not only distinct but relatively easily identifiable." This is why she supports the abolition of sex categories: the first step in dismantling hierarchies is to destabilize the categories through which those hierarchies are organized. In this context, that might involve disentangling the frequently conflated categories of biological sex, assigned sex, and gender, and then destabilizing the connections between them. The demands Lawford-Smith puts forward in *Gender-Critical Feminism*, with their focus on reinforcing gender segregation of social space, strive to block some of the very practices that would facilitate this disentanglement and destabilization. In doing so, those demands provide a bulwark against counter-fascist world-building.

Fascism is also averse to what it sees as sexual deviance. As Jason Stanley (2018, 127) explains, "Since fascist politics has, at its basis, the traditional patriarchal family, it is characteristically accompanied by panic about deviations from it. Transgender individuals and homosexuals are used to heighten anxiety and panic about the threat to traditional male gender roles." This panic has been made explicit in the Melbourne context, through both the banner the neo-Nazis chose to display at the rally, and the fact that the same group has regularly threatened to violently disrupt drag queen story times organized by local councils (Estcourt 2023). Here, too, gender-critical feminism risks making itself an ally (unwitting or otherwise). While the text of *Gender-Critical Feminism* may not include any explicitly transphobic rhetoric, the metaphysical and political views developed there lend themselves to such rhetoric. It is no accident that gender-critical feminism has gained most traction around questions of women's spaces – in particular bathrooms, changing rooms, and sports teams. These are presented as sites of embodied vulnerability, with cis women under perennial threat from the presence of trans women, who are thereby cast as either perverted or violent or both. Such a presentation makes (some kind of) sense, if to be a woman is to be in need of protection because of one's reproductive features, as the rhetoric of "sex-based rights" suggests.

Most disturbingly, gender-critical feminism also risks lending itself to more than just rhetoric. Recall the first two of Lawford-Smith's three stories. Taken together, these stories present a world in which there is no such thing as changing sex, and there is no such thing as gender identity. Now consider the context in which those stories were presented. Most immediately, the stories were being told at the same rally where neo-Nazis were explicitly calling for the destruction of trans people. More broadly, they were told against a backdrop of gender-critical voices who have called for the end of people living openly as trans—for instance, fellow gender-critical activist Helen Joyce recently commented that "every one of those [i.e. trans] people is basically, you know, a huge problem to a sane world" and that "we have to try to limit the harm and that means reducing or keeping down the number of people who transition."[34] Whatever Lawford-Smith's intentions, the message her speech actually conveyed will have inevitably been colored by this background context, wherein it becomes one more voice in a chorus calling for a world without trans people. Here too,

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then, gender-critical feminism risks being an unwitting ally, this time to the fascist goal of eradicating those perceived as deviant.

6. Conclusion

I share with Lawford-Smith the vision of a world in which gender norms are abolished, and women are no longer oppressed. However, the metaphysical framework Lawford-Smith develops in *Gender-Critical Feminism*, and the political movement she takes that framework to support, will not bring about that world. If enacted, it would instead bring about a world in which we are rigidly categorized into one of two sex classes, and those sex classes then shape our access to and roles within social space. That world is also one in which trans people are further singled out for denigration and violence, in virtue of transgressing the categories through which that world is structured. Such a world is too closely aligned to that imagined by neo-Nazis for it to be left unchallenged.

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Notes

1 For good overviews of the events of that day, see Bachelard 2023; Fox Koobe and Eddie 2023; Frost 2023; ABC News 2023. In the interests of transparency, I note that I was at the counter-protest.

2 See, in particular, Butler 2024; Bassi and LaFleur 2022; Lamble 2024.

3 I discuss Lawford-Smith's speech in section 4. See n 23 for a link to YouTube footage of that speech.

4 For discussion of the role of the gender-critical movement in these kinds of policy debates, see Amery 2024; Walters 2024.

5 "I wrote this book because I think gender-critical feminism presents the greatest challenge to conservative or traditionalist views about gender and has the best chance of overturning it . . . I hope to persuade you that gender-critical feminism is the theory and movement that we need" (Lawford-Smith 2022, xii).

6 E.g., unlike Lawford-Smith, some key gender-critical actors refuse the label of feminism (see, e.g., Keen 2023). In the other direction, Anca Ghaeus (2023)—who Lawford-Smith includes in an online bibliography of gender-critical texts (https://hollylawford-smith.org/gcf-bibliography/—)—has argued, contra Lawford-Smith, that we can undertake the feminist project of dismantling gender norms without a definition of woman, and moreover that we ought to adopt a universal practice of using gender-neutral pronouns.

7 The presentation of this issue as a dichotomy between supporting 'women as women' and supporting 'women as persons' is a little odd here, since as the reference to 'the further social group' makes clear, the contrast is really about supporting women while bracketing intersectional forms of oppression they may face, or supporting women by recognizing intersectional oppression.

8 I am not the first to notice this, though to the best of my knowledge most discussions of these problems have taken place on Twitter/X. The metaphysical problem is also not the only problem with the book that has been discussed. For an overview of how *Gender-Critical Feminism* problematically misrepresents debates in feminist philosophy, see Diaz-Leon 2023.

9 In comparing Lawford-Smith's definition of woman to Haslanger's, I am not intending to present Haslanger's as correct. Rather, my intention is to use Haslanger's definition to help spell out one particular problem with Lawford-Smith's.

10 At one point Lawford-Smith appears to concede this point. She writes: "Discrimination against 'passing' transwomen (transwomen who strangers perceive and treat as female) is related to women's oppression because those transwomen are assumed to be members of the class that is singled out for a particular type of treatment" (112). I'm not sure how to reconcile that passage with the metaphysical picture put forward throughout the book, and especially with her claim that the extension of "female" and "woman" is identical.

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11 This is a problem shared by Haslanger's account. For discussion of the trans-exclusionary implications of Haslanger's definition of woman, see Jenkins 2016.

12 For general overviews of transmisogyny, see Serano 2016; Dembroff 2019. Lawford-Smith could potentially argue that trans people face trans*phobia* even while denying that trans women face trans*misogyny*. Such a move would still need to explain the distinctly gendered forms of violence and discrimination faced by trans women, though.

13 See, e.g, the discussion of transmisogynistic violence in Bettcher 2014, 391: "Westbrook finds, in her analysis of media reports on 232 homicides of people 'described as doing gender so as to possibly be seen as a gender other than the one they were assigned at birth,' that in 56 percent of cases, the reporters 'depict violence as resulting from private, sexual interactions in which the perpetrator feels "tricked" into homosexuality by "gender deceivers"'". See also the discussion in Matsuzaka and Koch 2019, 37–38.

14 The Searlean move could also open up a different line of defence, namely that when trans women are oppressed because they are taken to be cis women, this is a related but distinct form of oppression, and hence outside the feminist remit. While coherent, such a move would be deeply morally problematic, for reasons outlined below.

15 Jenkins 2023 develops a similar view.

16 This concession is rather grudging, though, because of the teleological element of Lawford-Smith's definition. That said, I do not contest the possibility that biological sex could be understood as a natural kind, albeit one that cannot be reduced to idealized gamete production—and it's *that* possibility that is most relevant here.

17 Ásta (2023, 9) makes a similar point: "the sex we all have and is recorded on our birth certificate and in our passports and on our driving permits and countless other documents is not really a biological feature. What gets recorded is our status in society, our legal status, and in many countries that status comes with quite a number of legal constraints and enablements."

18 Which terminology we attach to which kind matters for political purposes, but not for the theoretical point I am making here, so those who prefer different terminology are welcome to make those terminological modifications in their reading. Moreover, my focus here is primarily on social kinds that function as social classes, and the analysis is descriptive rather than prescriptive. Both what I am calling "assigned sex" and "gender" all-too-often reflect existing oppressive practices, and therefore ought to be reformed. A key part of any such reform would grant individuals authority to determine their own assigned sex and gender.

19 A case could perhaps be made that the metaphysical problems elucidated in the previous section are in fact downstream of prior political commitments. In other words, it is possible that a prior commitment to trans exclusion constrained the available metaphysical positions, leading to the contortions we have just seen. Since this alternative order of explanation requires attributing to Lawford-Smith views that I am in no position to verify, I will adopt the more charitable interpretation that a commitment to trans exclusion is a conclusion of Lawford-Smith's argument, rather than a premise.

20 A recent study from the United States (Flores et al. 2021) shows that trans women face sexual violence rates four times higher than cis women.

21 E. Díaz-León (2023) makes a similar point.

22 In practice, the distinction between assigned sex and gender, as I am theorizing these concepts, will oftentimes be blurred. The key conceptual distinctions are twofold: first, who is a member of what assigned sex is a matter of what the collectively accepted rules of membership are, whereas who is a member of what gender is a matter of who is subject to the relevant norms. Second, what it *is* to be a member of an assigned sex is to possess a bundle of deontic powers (where this includes constraints and disablements), whereas to be a member of a gender is to be subject to norms of treatment.

23 Video of the full speech is available at https://www.youtube.com/watch?v = 9o47VZvDgAA&t = 3881s. Lawford-Smith's speech starts at 1:02:05.

24 For an overview of Elbe's life, see Elbe 2020.

25 E.g., WPATH 2012 concludes "The vast majority of follow-up studies have shown an undeniable beneficial effect of sex reassignment surgery" (107).

26 Available at https://yogyakartaprinciples.org/

27 Available at https://www.legislation.gov.au/Details/C2014C00002

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28 The definitions in the original Act stated that "'man' means a member of the male sex irrespective of age" and "'woman' means a member of the female sex irrespective of age." Available at https://www.legislation.gov.au/C2004A02868/asmade/text

29 Available at https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fems%2Fr5026_ems_1fcd9245-33ff-4b3a-81b9-7fdc7eb91b9b%22

30 See n. 32.

31 The leader of the NSN, Tom Sewell, posted on Twitter that his group had acted as a "vanguard" for the Let Women Speak Rally. See McCubbing and Durkin 2024.

32 For those unfamiliar with Parker's rhetoric, relevant examples include: "If you start speaking up you encourage someone else to speak up ... and then eventually everyone is speaking up, and the nasty, pernicious, minority of people, who are managing to control our politicians, our judiciary, our education system, our NHS, those people will be silenced, and those that went along with them, we will not forget who you are." "Our enemy is vast ... and its long, slimy slithery tentacles, have reached right into central government." [Reading from a piece of fan mail, in reference to a trans woman] "'Nail the perp's John Thomas to a tree, pour gas on it, light it on fire, hand her a butter knife, and tell her to cut or burn.' I mean, sinister, but I like the imagery, what can I say?" For clips of the first two passages, see: https://twitter.com/shaun_vids/status/1666065807980232705?s=46&t=mrVGaw3nU6m1yLeYlY2PfA. The third is available at https://x.com/shaun_vids/status/1649146986598133847?t=mrVGaw3nU6m1yLeYlY2PfA

33 "For the fascist, the principle of equality is a denial of natural law, which sets certain traditions, those of the more powerful, over others. The natural law allegedly places men over women, and members of the chosen nation of the fascist over other groupings" (Stanley 2018, 80).

34 For discussion, see Kelleher 2022.

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