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Toril Moi's Phenomenological Account of “Woman” and Questions of Trans Inclusivity

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Abstract

The recent debate in feminist philosophy about an adequate concept of woman presupposes the distinction between sex and gender, and most proposals operate on the gender level. Building on Simone de Beauvoir, Toril Moi suggested an account of “woman” that does not rely on the distinction between sex and gender (Moi 1999a). She criticizes that this distinction suggests too strong a separation between the bodily and social dimensions of a person's identity. Instead, her account of “woman” centers around the phenomenological concept of the “body as situation” or the lived/living body (*Leib*). This understanding of the body emphasizes a person's subjective experience of their own body rather than a third-personal (for example, medical) perspective on humans' bodies. With her proposal, Moi aims, on the one hand, to resist biological determinism, and, on the other, to avoid the dualism of the sex/gender distinction. In this article, I re-introduce Moi's position to the recent debate and examine how it fares regarding the “inclusion problem” (Katharine Jenkins) toward trans women. I suggest that Moi's account provides resources for an attractive, individualistic, and hence inclusive account of embodied gender identity. For political purposes, however, we also need to analyze concrete contexts of gender-related oppression.

Introduction: Why Moi?

In her long-form essay “What is a Woman? Sex, Gender, and the Body in Feminist Theory,” Toril Moi proposes an account of “woman” that does not use the distinction between sex and gender (Moi 1999a). Instead, she builds on Simone de Beauvoir's use of the phenomenological concept of the “body as situation” or the lived/living body (*Leib*¹) to describe what it means to be a woman. Roughly, being a woman amounts to finding oneself in a particular, namely female, body and living one's life in reference to this situation without being determined by it.

This position has not been discussed in the recent debate about an adequate definition of the concept of “woman” (see for example, Haslanger 2012, esp. ch. 7; Díaz-León 2016; Mikkola 2016; Barnes 2020; Mikkola 2022, esp. section 4 for an overview).² One

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reason for this might be that, at first sight, this position seems to be trans exclusionary (at least regarding some trans women), since “woman” is defined in reference to a female body. I explore in detail whether this is the case and conclude that—in a certain individualistic reading of Moi—her understanding of *gender identity*³ can, in fact, do justice to at least some trans identities. In short, this is because the female body in question is not viewed biologically but from the subjective perspective of the person whose body it is. The individualistic reading, however, comes with rather far-reaching implications for the general debate on the question of “What is a woman?” and the relation of “gender as identity” and “gender as class” (Jenkins 2016, 406). I will suggest that ultimately the utility of providing a definition of “woman” becomes doubtful for feminists. Others have previously expressed this doubt, in particular Judith Butler and more recently Mari Mikkola (Mikkola 2022, 19 and 32f.; Mikkola 2016). The main feminist ambitions for sticking to a general concept of woman are, on the one hand, to have a unified subject for the political project of feminism, and, on the other, to have an adequate conceptual tool for analyzing the wrongs feminism aims to combat.

Why is it worthwhile to examine Moi’s account of “woman” in detail, if it ultimately leads us to question the project of finding a feminist account of “woman”? To me, it is worthwhile because her account develops out of two commitments a feminist can hardly reject: first, the ambition to avoid biological determinism and, second, skepticism about disembodied accounts of personal identity and the attendant underappreciation of bodily needs in political, legal, and moral philosophy. The first commitment needs no further justification, since it is a cornerstone of feminist critique that one’s biology should not fully determine one’s social role. Although the second commitment plays an important role in feminist theory at large, it seems rather neglected in the debate about an adequate concept of woman.⁴ Feminist reasons for being critical of disembodied accounts of the person have many facets, but for my purposes here, it suffices to mention a crucial one: the devaluation of care work. If work directed at tending to our needs as vulnerable embodied beings is undervalued because the bodily dimension of our existence is not sufficiently appreciated, this is problematic from a feminist perspective since mainly women have carried and still carry out care work. A feminist distribution of labor must therefore build on the higher valuation of care work, and thus the bodily aspects of our being, in order to fairly recognize women’s contribution and to make care work more attractive to other genders.⁵

I proceed in three steps. First, I lay out my understanding of Moi’s view (I). Second, I introduce the “inclusion problem” and distinguish between different variations of trans identities (II). Third, I discuss how Moi’s view relates to the “inclusion problem” (III).

In the last and longest part (III), I initially formulate two claims: First, the desire of some trans persons to modify parts of their body can be adequately described with Moi’s account. Second, her account has difficulties recognizing a woman’s (or man’s) trans identity if they do not desire any bodily modifications. Since, on the one hand, this second claim is troubling and detrimental to the trans-inclusive feminist perspective I endorse, and, on the other, I am generally sympathetic to Moi’s body-centric but nonbiologicalistic view, I explore if and how this second claim may be falsified or relativized. I do this by articulating four open questions, most important whether, from a phenomenological perspective, it is really conceivable to distinguish between trans persons who desire to change their bodies and trans persons who don’t (see open question 4). Without being able to fully address these questions, I then suggest two feminist positions for the here and now: First, there is no good *prima facie* reason for feminists to disregard anyone’s gender self-identification. Second, for feminist and emancipatory

purposes more generally, analyzing and addressing concrete contexts of oppression is usually more helpful than the general “gender as class” concept of “woman.”

I conclude that the engagement with Moi’s account of “woman” in the context of the recent debate leaves us with a dual picture: It provides us with resources for an adequate and inclusive concept of individual, embodied *gender identity*. Since this is an individualistic perspective, it is—for the purposes of feminist and trans politics—additionally necessary to analyze concrete contexts of gender-related oppression.

This position is similar to the one Iris Marion Young developed with regard to Moi (Young 2002/2005; see also Jalušič and Pajnik 2009, 22–24; Mann 2009). Young thought that Moi provides an adequate understanding of individual embodied *gender identity* but that it must be complemented with an account of “gender,” which, for Young, means occupying a specific position in a social structure.⁶ With regard to the recent discussion, note, first, that Young’s understanding of “gender” is similar to Sally Haslanger’s influential “gender as class” view, and, second, that since Young endorses Moi’s account regarding individual identity but claims that it must be complemented with “gender,” in turn, Young’s view is similar to Katharine Jenkins’s proposal for a dual-target concept of gender (Jenkins 2016). My own position differs from Young’s in the sense that I don’t think Moi’s account of *gender identity* must be complemented with a concept of gender (as structural positioning or class) but rather with an analysis of more concrete contexts of oppression. Furthermore, my engagement with Moi goes beyond Young’s because I address the pivotal question of whether her account is trans inclusive or may be rendered as such.

I. Moi’s Account of “Woman”

Moi develops her own suggestion for an account of the concept of “woman” in contrast to an attempt to grasp “woman” as a gender concept.⁷ In order to show why she is opposed to conceptualizing “woman” as a mere gender concept, she first reconstructs what the feminist use of the sex/gender distinction was meant to criticize. According to Moi, the sex/gender distinction was introduced to criticize biological determinism, which it successfully did; however, this was at the price of an implausible, disembodied account of gender identity. In summarizing her position, I will follow this narrative.

What then is biological determinism? Generally, biological determinism means the view that our biology determines or should determine our social life. In her essay, Moi reconstructs two positions of biological determinism advanced by biologists at the end of the nineteenth century: The views of the American biologist W. K. Brooks and the Scottish biologists Patrick Geddes and J. Arthur Thomson. I will not repeat Moi’s lucid and concise reconstruction of both views here in full (see Moi 1999a, 15–21), but instead illustrate what is at stake by briefly summarizing Brooks’s position.

Brooks was a defender of Darwin’s so-called “variability hypothesis” (Moi 1999a, 16) which states that individual (cis) men differ from one another more than individual (cis) women do from one another. To explain this thesis, Brooks assumed that in reproduction, the male cell is responsible for transmitting *acquired* characteristics, whereas the female ovum passes on “hereditary characteristics” (16). This different role in reproduction led Brooks to assert corresponding differences in (cis) men’s and (cis) women’s intellectual abilities, essentially that women cannot creatively think along new paths—unlike men—but are able merely to apply secure knowledge in everyday circumstances (16ff.). For Brooks, this entails that women are not fit for scientific endeavors, for example.

What I find particularly illuminating about Moi's reconstruction of the nineteenth-century biologists is that she makes explicit a premise that shapes their biological determinism with regard to sexual differences between humans: namely, their view that humans' biological sex should determine their *entire* identity and social role. This premise is the assumption of the *pervasiveness of sex* (Moi 1999a, 10ff.). Accordingly, a person's sex is not only relevant for their role in reproduction but for everything else about this person, too, including nonreproductive bodily functions as well as social roles. Forcefully, Moi writes, "[f]or these writers, a man is essentially an enormous sperm cell, a woman a giant ovum" (20) and "a woman becomes a woman to her fingertips" (12). The assumption of the pervasiveness of sex therefore makes biological determinism extremely consequential. Again, a person's sex does not just influence their role in reproduction and hence in certain social contexts directly related to it (for example, a female person's role as a patient in a hospital during childbirth rather than as a visitor); instead, a person's sex permeates the entire person: "Whatever a woman does is, as it were, an expression of the ovum in her" (20). Moi also emphasizes that the pervasive picture of sex is necessarily connected to a heterosexist view, since a person's sexual desire, on the biologicistic account, is also determined by their sex (19).

Moi argues that the feminist appropriation of the distinction between sex and gender should be understood as a way to counteract biological determinism, including its pervasive view of sex. As I have mentioned, Moi thinks that the sex/gender distinction is indeed conducive to this goal, but that it is only at the cost of creating an implausible account of the role that one's (sexed) body plays for one's subjectivity. Her account therefore aims to offer a better "theory of subjectivity"⁸ (Moi 1999a, 6) that nevertheless does not succumb to biological determinism.

In section II of her essay, Moi retraces how feminists came to endorse the sex/gender distinction, which was initially identified by the psychiatrists John Money and Robert Stoller in the 1950s and 1960s. It was first taken up by the feminist Gayle Rubin in "The Traffic in Woman: Notes on the 'Political Economy' of Sex" (Rubin 1975). Since this story is well-known, let me just emphasize one element in Moi's reconstruction of Rubin's uptake of the sex/gender distinction, which will help us understand Moi's own position. Moi argues that in Rubin's account, which is informed mainly by Stoller's, sex, or more precisely the sexed body, is completely detached from "history and culture" (Moi 1999a, 30) and neatly stored in the realm of science, biology, and medicine (23). She writes: "Entirely divorced from the mind, the body is perceived as a mere object, subject to the mind's decisions, a blank slate on which gender writes its script" (27). In short, Moi criticizes that in Rubin's feminist uptake of the sex/gender distinction, the sexed body is entirely bracketed from questions about the identities of persons as women or men and, conversely, that everything related to identity becomes a matter of gender.⁹

According to Moi, poststructuralist feminists' critique of the sex/gender distinction has the same starting point as her own critique, namely that this distinction turns sex "into an ahistorical and curiously disembodied entity divorced from concrete historical and social meanings" (Moi 1999a, 30). Instead, like Moi, poststructuralists aim to provide a "fully historical and non-essentialist understanding of sex and the body" (31). I will not go into why Moi thinks that poststructuralist feminists' project (she engages with Joan Scott, Donna Haraway, and mostly Judith Butler) ultimately fails (see section III of Moi's essay). Roughly, Moi's main points vis-à-vis Butler are, first, that her attempt to show that sex is in fact shaped by gender leads to many large metaphysical questions, especially how gender (seen as a relation of power) can create material reality,

which, in turn, remove her so far from her original emancipatory project that she loses sight of it, and, second, that the expression of Butler's political view actually draws on the sex/gender distinction she aims to criticize.

So, Moi is interested in providing an account of *gender identity* that, first, does not leave the (sexed) body out of the picture, second, does not fall back into biological determinism, and, third, does not make the same mistakes she attributes to the post-structuralists, in particular Butler. To this end, she turns to Beauvoir.

Moi's Beauvoirian Account of "Woman"

Moi's aim is to clearly reconstruct Beauvoir's account from *The Second Sex* (1949) of what it means to be a woman. She emphasizes that Beauvoir's account is misunderstood if reconceptualized through the dichotomy of sex and gender. For Moi, Beauvoir's famous claim that one isn't born a woman but becomes one is often misinterpreted when translated to: One is born with a female *sex* and acquires the *gender* role woman (Moi 1999a, 72f.).¹⁰

Roughly, the account of "woman" Moi aims to develop, building on Beauvoir, amounts to the following idea: A woman is a person who finds herself in the situation of having a female body and lives her life in reference to this situation. Crucially, the situation of having a female body cannot be equated with the *fact of having a body with certain biological features* (that are determined from a biological or medical perspective). Rather, the female body in question here is understood according to the phenomenological notion of a *body as situation* or the body as *Leib* (the lived or living body)¹¹: the body as it is experienced subjectively.¹² A woman therefore is a person who finds herself in a body *she perceives as female*.

This definition provokes two crucial questions, first, what role the objectively female body (the female *Körper*) plays in the fact that someone perceives their body as female (the female *Leib*), and, second, what exact role the perception of one's body as female by others plays in one's own experience of one's body as female (and derivatively one's identification as a woman).

With regard to the first question, Moi's account could be spelled out in two different directions. Either one could try to show that certain objectively discernible bodily features always (or usually) trigger at least a thin layer of shared (bodily) experiences. One would, for example, argue that all persons who have a certain type of fat issue around the area of their chests have more similar bodily experiences in comparison to people who don't have this tissue.

The other option would be to resist the ambition to be able to (objectively) categorize bodies into female and male ones. This, however, would ultimately mean that Moi's account offers a framework only to think about *individual* embodied identity—rather than the identity of *women*. This is what I will call the "individualistic"¹³ reading" of Moi.

The latter option seems to me to follow through more consequentially with the phenomenological view on the body.¹⁴ This shouldn't be taken to mean that biological facts play no role for someone's body perception, but merely that for someone's embodied identity, it is their subjective bodily experience that is decisive and not what might trigger this experience. Maybe an example can make this clearer: When I feel pain, I feel *pain*, without even knowing what is biologically happening in my body that causes this pain; in fact, it can be pretty hard to find this out. This does not mean denying that there are biological reasons for my pain.¹⁵

What I have just said about the role of biology for someone's lived experience of their body counts just as much for the role that perceptions of others play for it (and so for the answer to the second question): they will be crucial, but not determinative, and their exact influence hard to discern. Moi writes: "although social norms concerning sex and sexuality are of crucial importance to the formation of a given person's subjectivity, an account of such norms and regulations will not in itself explain that person's lived experience. We are continuously making something of what the world continuously makes of us . . ." (Moi 1999a, 117).

The "individualistic reading" implies that the question "What is a woman?" must be replaced by a question along the lines of: In what way does the sexed body of a person mold this person's individual life? More concretely: What does it mean *for me* to find myself in the situation of a female body? I agree with Moi that this will clearly have some effect on my life and my *gender identity*, in particular. Nevertheless, its actual effect can be radically different: It could mean, for example, repudiating certain features of my body; it could mean wearing particular clothes to emphasize, say, the shape of my breasts; it could mean wearing particular clothes to hide the shape of my breasts; and so on.¹⁶

If we take the consequence of Moi's account to be that it ultimately cannot provide an answer to the question "What is a woman?," this also means that it results in a gender-eliminativist position. Such a position holds that in a feminist utopia, the identity categories of "woman" and "man" would disappear. This is because these categories don't grasp anything true or worth protecting about human life—for example, about the relation of human individuals to their bodies—but are the result of patriarchal norms. For Moi, there is indeed nothing worth preserving about specific allocations of human characteristics to a certain gender, like aggressive to masculine or tender to feminine (Moi 1999a, 103f.). I will come back to the effects of the "individualistic reading" of Moi on the debate about the question "What is a woman?" at the end of section III.

Before I go on to discuss the inclusion problem (II) and how Moi's view fares in this respect (III), let me note how her account of "woman" relates to concerns of intersectionality and individuals' freedom first.

Regarding intersectionality, remember that for Moi, finding oneself in a sexed body is only one among many situations in which people find themselves. Other situations are their geographical location, their class, their race, their family, and so on (Moi 1999a, 65).¹⁷ For Moi, acknowledging the plurality of situations is crucial for counteracting the pervasive picture of sex: Even if being in the situation of having a particular sexed body has some influence on our life, it does not determine one's entire social roles. The plurality of situations is an apt starting point for analyzing the intersection of different oppressive regimes in the identity of a particular person (68, esp. fn. 99).

Concerning freedom, for Moi, finding oneself in the situation of having a female body will have some influence on a person's life, but this situation will not fully determine any life choices (including those that are closely connected to one's own sexed body). Unlike other interpreters, according to Moi, Beauvoir does not think that the female body generally provides less leeway for free action than a male body does, thereby being "inherently oppressive" (Moi 1999a, 66). Rather, Moi emphasizes the manifold possibilities of living in the situation of having a female body (66). This exemplifies the general phenomenological understanding of freedom and the body's role in it. In this understanding, freedom is necessarily embodied freedom. We realize all our free actions through our body. For us, our body therefore is—usually, at least—not perceived from a biological or medical perspective. Rather, we perceive our body as a means as well as a hindrance to realizing our goals. Even from this subjective

perspective, however, my body is not something I can fully mold to match my own purposes. Despite presenting itself as a “site of my freedom” (and not an object to study scientifically), my body limits and structures the ways in which I can act—both by being a human body in general and by being a particular body with specific features (for example, height).

II. The Inclusion Problem and Varieties of Trans Identities

Two distinct arguments have been made to the effect of criticizing certain gender concepts of “woman”: the normativity and the particularity argument (Mikkola 2022, 15ff. and 13ff.). The inclusion problem with regard to trans women is a version of the particularity argument. Note that the concepts that are subject to criticism here are already feminist ones that reject biological determinism. Let me briefly explain the normativity and the particularity arguments before introducing the inclusion problem. At the same time, I will distinguish between different experiences of trans identity.

The worry that is expressed under the heading of the *normativity argument* is that certain characteristics seen as typical for women in some gender concepts of woman devalue particular women who do not exhibit these features to a large extent. Take a psychoanalytic theory of gender identity (Mikkola 2022, 9ff.).¹⁸ In this picture, different genders emerge because female and male babies and children have a distinct relationship to their primary caregivers. Assuming that their primary caregivers are female, female babies see more similarities between themselves and their primary caregivers than do male babies. Therefore, females develop to be more empathetic and open toward others, whereas males are shaped to understand themselves as clearly distinct from others. The gender “girl” or “woman” is then associated with an empathetic personality, and the gender “boy” or “man” with independence. Unintentionally and without explaining gender differences in terms of biological differences, this account risks sharply circumscribing the gender identities of “women” and “men” and providing a normative standard against which individual women and men score differently. Manifestly, a feminist cannot endorse a gender concept that inadvertently sees empathetic men as feminine and therefore not as real men. This is the normativity argument.

The main targets of the particularity argument are socialization theories of gender (Mikkola 2022, 7ff.). According to these theories, a woman is a woman roughly because she was brought up in a certain way. Say she was sent to ballet class rather than to football training and now therefore is a better ballet dancer than footballer. More to the point, girls are socialized to become good housewives, and boys are socialized to join the workforce and to be able to financially support their families. A (nonbiologically deterministic) account of gender that states that women are those who have gone through a certain type of socialization (education to be housewives) has been criticized for extrapolating what the gender “woman” is from a *particular experience*. In fact, not all women in the mid-twentieth century in Europe and the US¹⁹ were educated to be housewives. This socialization experience reflects only the experience of white, non-working-class women. The particularity argument rejects certain gender concepts of “woman” that fail to include women based on their race and class. Understanding feminism as an emancipatory project, a feminist cannot be satisfied with such an account of gender.

Haslanger’s influential account of “gender as class” explicitly aims to avoid both the normativity and the particularity (or commonality) argument (Haslanger 2012, 228). Avoiding the association with womanhood of certain features like being empathetic

or being a housewife, Haslanger roughly defines “woman” head-on as being in an inferior role in a hierarchical gender system. Nevertheless, Jenkins prominently criticized Haslanger again for universalizing a particular experience; however, this time it is not the experience of a group of women privileged in terms of class and/or race but the experience of cis women (Jenkins 2016). Jenkins’s criticism of Haslanger’s gender concept of woman is that it fails to include all trans women. This is the inclusion problem (regarding trans women).²⁰

Moi herself writes that “[t]o challenge the ideas in this essay, it would be useful to see if they would help to *understand* transsexuality” (Moi 1999a, 115, my emphasis). For obvious chronological reasons, Moi herself did not write that it would be worthwhile to see if her account has the same problem that Jenkins attributes to Haslanger’s. Additionally, her formulation also does not state whether her account of womanhood could *include* trans women but rather how it would help to *understand* transsexuality. This different formulation of the philosophical problem²¹ will turn out to be telling with regard to how Moi’s account fares in terms of trans inclusivity.²² I will come back to this; however, for now I will interrogate Moi’s account from the somewhat external vantage point of whether it is inclusive toward trans women.

Moi uses the terms *transsexuality* and *transsexuals*, aiming to designate persons who desire a “sex-change.”²³ With this in the background, she acknowledges that her account of *gender identity* obscures the meanings of these terms: “[w]hen the sex/gender distinction disappears, it is no longer obvious what one desires when one desires a sex change. It does not follow, of course, that so-called sex-change operations are unjustified” (Moi 1999a, 115). Moi is explicit that she is not aiming to in any sense discredit the experience of “transsexuals.” However, for some it might already be troubling that she seems to see it as unproblematic to view trans identities as special cases of *gender identity*.²⁴

To take on Moi’s own challenge to her account, it is necessary to explicate what is meant by trans persons and trans women in particular and what different experiences may be referred to by these terms.

First, let me note that I use *trans* as an adjective, rather than as (part of) a noun, unlike Moi. This is because I think that it does more justice to the fact that being “trans” is only one (among other) features of a person. As Sophie-Grace Chappell writes: “I happen to be transgender. It’s just a thing about me. It’s by no means the most interesting thing about me. At least I hope not. I also happen to be right-handed and green-eyed” (Chappell 2020). With regard to Moi, I think that emphasizing that one’s being trans is only one aspect of one’s identity is, in fact, in line with her disapproval of nineteenth-century biologists’ idea of pervasive sex.²⁵

Let me distinguish between two meanings of *trans*: *transgender* and *transsexual* (Bettcher 2014a, 3f.). Note that these are not the only available definitions of these terms (3f.). In order to introduce the distinction between *transgender* and *transsexual*, I am referring to the sex/gender distinction, which is, however, ultimately not available when working within Moi’s framework.

A transgender person is a person “who live[s] full-time in the role other than the one assigned to them at birth” (3).²⁶ Bettcher’s definition may be broadened to include those who aspire to live or are transitioning to live²⁷ in a different gender role²⁸ from the one they were assigned at birth (usually it will have been assigned according to someone’s assumed sex).

A transsexual person is a person who desires to modify their bodily sexual features or has (partly) modified them already. Moi uses only the term *transsexual*, and her

understanding of it aligns with the one just suggested in reference to Bettcher's work. Although Moi writes only about "sex-change" *operations*, I include hormone therapy within the kind of bodily modification relevant here. These definitions are neither exclusive nor do they necessarily imply each other.²⁹ For example, a person may be transgender without being transsexual, or a person may be transgender and transsexual. It seems more unlikely that someone is transsexual and not transgender, but I will not exclude this possibility here. Note that according to these definitions, whether someone is trans (in the sense of transgender or transsexual) is a matter of self-identification. This, in turn, is based on the presupposition that one's aspirations and desires are most authentically expressed by oneself.³⁰

III. Moi's Account and the Inclusion Problem

Initially, two claims seem plausible considering how Moi's view fares with regard to the inclusion problem.

Claim 1: *Moi's account provides an apt framework for describing trans persons' desire for bodily transformations* (cf. Schrock, Reid, and Boyd 2005; Lennon 2019, 28).

Differently put, this claim articulates the view that Moi's phenomenological perspective on the body is adequate, in order to describe a person's repudiation of or desire for certain sexual features. I will first make this claim more tangible by explicating its meaning with regard to the particular desire for the removal of breast tissue; second, I will show how it resonates with Julia Serano's description of her experience as a trans woman.

Applied to a particular case, namely the desire of a trans man for a mastectomy, this claim means that this desire is based on the—in some sense—negative *experience of living with breasts* rather than the repudiation of a particular molecular structure or specific type of tissue. For example, a negative experience of living with breasts could be others' reactions to them: "I'm pretty fine with how my body is but it's when I, like, go in to the world and people see, like, that I have a chest and then they think that means, like, woman."³¹

The language of sex (as part of expressing the biological or medical perspective on one's body) does not seem adequate for articulating such an experience. Furthermore, it does not seem fitting for expressing what someone desires as an outcome of mastectomy. It is not simply the fact of not having certain tissue anymore but of living differently in one's body, in this case of experiencing different reactions to one's body. More generally, we simply cannot *directly* experience our biology and, therefore, desires for modifications of our biology are always *mediated* desires. Consider someone's expectation that the killing of bacteria in their body (by taking antibiotics) will mitigate their pain; the primary desire on which the action of taking antibiotics is based is to mitigate pain, whereas killing bacteria is a mediate desire.

This resonates with Serano's writing about her experiences as a trans woman. Serano sees herself as a transsexual woman in the sense I introduced in section II (Serano 2007, 28). She distinguishes between someone's "physical sex" and their "subconscious sex" (see esp. chapter 5). The former refers to the biological or medical perspective on the body. With regard to the latter, she writes, "[p]erhaps the best way to describe how my subconscious sex feels to me is to say that it seems as if, on some level, my brain expects my body to be female" (80). She illustrates this by her first remembrance of masturbation that occurred before she had a conscious desire to be female: "[it] involved me spreading my legs, placing my hand on my crotch, and rocking my

hand back and forth the way many girls instinctively do it” (81). On the level of sub-conscious sex—or, in phenomenological terminology, the lived experience of her body—Serano’s body was then female regardless of its physical constitution. Regarding her later desire for a vagina and a clitoris instead of a penis, Serano also explicitly writes about *expected experiences with these body parts* rather than the desire for a certain physical body shape as such. Concretely, she writes about looking forward to being penetrated with a strap-on dildo by her partner (230). Note that for Serano, her transsexual experience is primarily related to her subconscious female sex—the lived experience of her body—that she experiences as contrasting her physical male sex, rather than about gender (or sexual orientation): “I eventually reached the conclusion that my female subconscious sex had nothing to do with gender roles, femininity, or sexual expression—it was about the personal experience I had with my body” (84f.), or “You could say that my decision to transition was primarily driven by my choosing to trust my body feelings—in this case, my subconscious sex . . .” (221). Serano also emphasizes that not only trans persons have a subconscious sex distinct from their physical sex, albeit it is a blind spot for most cis persons (87).

If it is true that the desire for changes of sexual features of one’s body can be accounted for in Moi’s phenomenological framework, this also implies that her account does not exclude transsexual women.³² This is because, in my reading, her account is individualistic (see section I) and therefore ultimately most apt as a theoretical scaffolding for describing the relation of someone’s individual identity and their body. With regard to Serano’s experience, the question arises *when* a transsexual person assigned male at birth identifies *as a woman*. Serano writes that although having had a female subconscious sex from early on, she began to identify as a woman only when transitioning to have a physical female body: “After a couple of years living in the world as female, I eventually came to embrace the identity of ‘woman.’ Thinking of myself as a woman simply began to make sense; it resonated with my lived experiences” (223f.).

As Serano continuously emphasizes, her trans experience is only one of many. In my view, Moi’s framework also allows for the scenario in which a transsexual person identifies as a woman *qua* having a subconscious female sex: She finds herself in the situation of having a subconscious female body. Considering how Serano introduced the notion of a subconscious female sex, however, it seems to me that it includes within it a desire to be, as it were, realized in a physical female body; it encompasses a desire for bodily modifications. The contrast of the subconscious sexed body to the physical sexed body seems intrinsic to Serano’s description of her transsexual experience.

With regard to Serano’s particular experience, the perception that others have of her body as female also played an important role for beginning to identify as a woman: “Of course, body feelings are not the only facet of my being that has contributed to my identity as a woman. . . . [T]he changes in my social gender—how other people relate to and interact with me—were at least as dramatic as (if not more so than) the physical changes to my body” (222). To repeat, Moi’s account can, however, in principle also do justice to the experience of a trans person who identifies as a *trans woman* *qua* subconscious female sex. This is at least the case in the here and now, since in a feminist future, according to the gender-eliminativist view, no one would identify as “woman” or “man”; their identity will, however, still be shaped by the lived experience of their body and its sexual features in some way.

Claim 2: *Moi’s account does not seem to provide space to recognize trans women (or trans men) who do not desire bodily modifications as women (or men) nor as trans.*

This is because, for Moi, one's *gender identity* must have something to do with one's own body perception. In what sense could a person who contently perceives their body as male, but identifies as a woman be recognized as a woman in Moi's framework? And, what, for Moi, would be *trans* about a person's *gender identity*—if trans means changing from one thing to another, or transgressing a border—if a person does not desire bodily modifications?

If this second claim is true, this is a normative problem for Moi's account: A trans woman who is transgender (but not transsexual) would be recognized neither as a woman nor as trans by the theory. Note the difference between being recognized as a (trans) *woman* and being recognized as *trans*.

Regarding the latter (recognition as *trans*), Moi's position seems to imply a troubling distinction between "intelligible" and "nonintelligible" *trans* identities. "Intelligible trans identities" would accordingly be such identities that desire modifications to their body (in reference to the sex/gender distinction: transsexual persons). This is troubling because it disrespects trans persons' authority about their own identity. In his autobiographical book, Linus Giese vehemently asks: "Don't I know best myself if I am trans enough?" (Giese 2020, 58, my translation).

Regarding the former (recognition as a *woman*), let me emphasize that I am convinced that Moi's view is that everyone—independently of their body—should freely relate to existing gender norms in whatever way they like. Yet, concerning the recognition of trans persons, this view is not sufficient, rather the recognition as "woman" or "man" is crucial. Therefore, it is correct to regard misgendering—addressing a trans person with wrong pronouns—or deadnaming—calling someone by a (gendered) name that predates (public) transition—as severe forms of contempt. Grasping why this is the case is potentially difficult from within Moi's framework if the persons involved are merely transgender (but not transsexual).

Four Open Questions

Four routes for further thinking emerge from the troubling nature of claim 2 that Moi's account appears to discredit trans persons who do not desire bodily modifications.

(1) One could question whether this problem is—at least regarding the recognition as *woman*—really so grave, since if Moi holds a gender-eliminativist position (as I have suggested), then the identity "woman" should ultimately become unavailable not only for exclusively transgender women but for everyone, including cis women. There is something right about this when speculating about a feminist utopia; however, it constitutes an underestimation of the wrong of misgendering and deadnaming: Here and now, it is much easier for cis women to deny the importance of the category "woman" for their identities—they never had to fight to attain it—than for trans women.

(2) Does the problematic nature of claim 2 show that, in the end, Moi's account of individual *gender identity* is unserviceable for a transinclusive feminism? Do we need a different account, in order to adequately address the wrong of misgendering, deadnaming, and other forms of disrespect, harm, and violence toward trans persons?

Jenkins aims to suggest a concept of gender identity that is useful for the purposes of trans activism: the so-called "Norm-Relevancy Account" (Jenkins 2016; 2018).³³ In short, she holds that I have a particular gender if I feel that a sufficient number of the norms related to this gender—say, woman—are relevant to me. Crucially, this feeling of relevancy must not be accompanied by the feeling of wanting to act in line with

these norms or acting in line with them. For example, I might identify as a woman because I feel that the norm of not forgetting to bring a present to a birthday party is (more) relevant to me (than to men); however, I might still sometimes forget to bring something (adequate) and even feel good about this because of realizing that I am thereby transgressing a gender norm for women. Although I do see the appeal of Jenkins's proposal, I am ultimately unconvinced by it for two reasons. First, although she explicitly denies this,³⁴ I am not sure that this account really does justice to the idea that gender identity is something existentially important for people (in particular, trans persons). This is because the account is linked to Haslanger's account of "gender as class" (Jenkins 2018, 730), which means that *all* the norms relevant to me as a woman are part of a hierarchical system. Accordingly, all woman norms are in some sense part of a system in which women are in a less privileged situation than men. Haslanger's account of "gender as class" is gender-eliminativist in the sense that in a feminist future, we wouldn't want *these* genders to have any relevance anymore.³⁵ Since "gender as identity" is in substance dependent on "gender as class," the former would also be obsolete in a feminist utopia. Therefore, I don't see how the following is supposed to constitute a deep form of respect: "I respect you as a woman because you feel that certain patriarchal norms are relevant to you. However, at least I am—and maybe you are too—fighting for an abolishment of these norms." The respect of a trans person's gender identity (like anyone's gender identity) is therefore limited to a patriarchal system. This is not a satisfying view and brings us back to the problem stated above (1). Nevertheless, I acknowledge that methodological questions regarding the distinction between ideal and nonideal theory and the exact understanding of an ameliorative project will be decisive here and that Jenkins makes explicit that her suggestion is supposed to serve only as a starting point for a discussion (Jenkins 2018, 742).³⁶

(3) Is there a different way of regarding the misgendering and deadnaming of exclusively transgender women as a severe harm other than with the help of an inclusive account of "woman?"³⁷ To me, a possible solution would be to simply condemn misgendering and deadnaming as a form of contempt or severe disrespect of a person (see below, *Here and Now I*).

(4) Did I draw the distinction between *transsexual* and *transgender* too sharply? This question is particularly pertinent when working within a phenomenological framework in which the lived body is seen as crucial for all experiences and actions. If this distinction cannot be made so clearly, claims 1 and 2 couldn't be as neatly separated as presented above; this would mean that interrogating Moi's account regarding its trans inclusivity would have to start afresh. In what follows, I will spell out two considerations that place doubt on the strictness of this distinction.

First, does the desire to modify one's body really have to be focused on hormonal and/or surgical treatment? Doesn't the identity of a trans woman without a desire for such treatment still have something to do with her body, for example, with regard to how she dresses and how she grooms her body? However, it remains questionable whether styling³⁸ one's body in a certain way should really count as doing something "trans." What exactly is transformed here? Which border transgressed? Overemphasizing the trans aspect risks presupposing a normal—biologically determined?—way of styling particular bodies. Equally, asking these questions risks undermining trans persons' authority over their own identity (recall Giese's question: "Don't I know best myself if I am trans enough?"). Ultimately, the individual's experience is decisive concerning whether they regard their styling as "trans" in the sense of standing in contrast to or transgressing a

sex or gender marker they have previously been or are currently recognized as by others. Nevertheless, an individual's self-expression, of course, also contributes to a wider "gender culture." The concern expressed above is that doing justice to trans persons should not inadvertently contribute to narrowing the possibilities of expression for cis persons: For example, a feminine cis man should not by default be recognized as a trans woman.

Second, consider desires that clearly "involve the body" and are part of trans experiences but might not be best interpreted as concerning a desire to change one's body. Take what Bettcher calls the "recoding" (Bettcher 2014b, 611) of male (or female) organs as female (or male) organs in sexual intercourse. She provides the following example: "[If] a trans woman (with a 'penis') is receiving oral sex, it is possible for her and her partner to erotically re-understand the activity as a form of cunnilingus rather than fellatio, perhaps by eroticizing a component of her genitals as a 'clit'" (611). Does the trans woman in question desire having a clitoris rather than a penis in this scenario?³⁹ Or, is it the case that the trans woman's sexual desire in this example is best fulfilled precisely by (temporarily) re-imagining her penis as a clitoris? If so, this would be a case in point for a body-focused trans experience that does not involve any desire to change one's body.

Fully addressing these questions will have to wait for another occasion, and it might not be possible to answer all of them conclusively, but it seems to me that, loosely building on Moi, a twofold feminist position for the here and now is adequate:⁴⁰ First, there is no *prima facie* reason to deny anyone respect for the gender they themselves identify with. There is a separable concern about the fact that trans persons who desire bodily modifications must be institutionally recognized *as trans*, in order to receive adequate treatment. Second, for the purposes of feminist and trans(feminist) analyses and politics, the category "woman" might be dispensable and the analysis of more concrete contexts of oppression more helpful in most cases. In the following, I will elaborate on both parts of this position.

Respecting Gender Self-Identification and Recognizing Trans Identity (Here and Now I)

*Respecting Gender Self-Identification*⁴¹: From Moi's perspective, no reason can be provided for denying someone their self-identification with a certain gender. Recall that, for Moi, one's *gender identity* is interlinked with one's own experience of one's body, and one's body, more generally, is seen as a site of free action. Therefore, respecting someone as a free person also means respecting the way they relate to their (sexed) body. Hence, there is no *prima facie* reason why a person (regardless of their particular bodily situation) should not be able to take up all available categories of identity.⁴² For example, I don't see how a cis woman's refusal to address a trans woman with her pronouns could be justified.

This view echoes Bettcher's reasons for "first-person authority" regarding gender (Bettcher 2009). The reasons are *ethical* rather than epistemic or metaphysical: It is a matter of respect for a person to recognize their gender self-identification, and it's not that we should grant "first-person authority" to someone because they will know best what genitals can be found underneath their clothes (Bettcher 2009, 105–7). Accordingly, the identity that is to be respected is "existential" rather than "metaphysical" (110f.). Having the existential identity "woman" means that the way one acts in the world and who one becomes by pursuing these actions is in some sense shaped by being a woman (110f.).

Self-identification accounts have been criticized for potentially posing a threat to cis women, because "anyone" may then access women-only spaces, like changing rooms,

toilets, or domestic-violence shelters. Although this is an empirical question that I cannot settle here, this danger seems overstated to me.⁴³ Nevertheless, if, for example, it *could* be empirically shown that in a particular social context, “cis woman” is a better proxy for those who are mostly affected by domestic violence than “those who identify as woman,” this could, in my view, potentially provide a reason (which will have to be weighed with other reasons) for “strategic essentialism” (Eide 2016) regarding access to domestic-violence shelters.⁴⁴

Beyond access to gendered spaces, the self-identification account implies, institutionally, that it should be easy to change one’s civil status (from man to woman, for example),⁴⁵ and that, morally speaking, persons should be addressed by their preferred pronouns.

Recognizing Trans Identity: As I have mentioned (in the discussion of claim 2), there is a difference between being recognized as a particular gender and being recognized *as trans*. In the following paragraphs, I briefly want to discuss the societal *recognition as trans*. This recognition *as trans* (and not merely as belonging to the gender someone identifies with) is particularly important, if someone’s trans identity involves a desire for bodily modifications: whether society should provide for a person’s relevant medical treatment is at stake. The following remarks will therefore focus on trans persons with such a desire and how—from Moi’s perspective—a *prima facie* reason can be given for why an egalitarian society owes these individuals expensive gender-confirmation treatment.⁴⁶

How can a deep desire to change parts of one’s body be conceptualized and why should it be respected (in the sense of providing means to fulfill it) in Moi’s framework? Recall that for Moi, our body is one situation (among others) in which we find ourselves. This situation (and other situations we find ourselves in) enables, but also structures and limits our possible ways of acting freely. If we take the embodied character of our freedom seriously, it is vital to accept that we cannot completely change the situations we find ourselves in. However, our body may also constitute a situation that not only limits and structures but also *inhibits* our freedom. The idea of the freedom-inhibiting character of a bodily situation is a general description and may concretely mean different things. When Chappell writes about her and other trans women’s desire to be “female-bodied,” she describes it as being so forceful that it is “all-consuming” (Chappell 2020).⁴⁷ This all-consuming nature of a desire might be seen as freedom-inhibiting since it is detrimental to the pursuit of any life projects that do not concern attending to this desire.

If it is indeed possible to change such a freedom-inhibiting bodily situation medically,⁴⁸ then it is again a matter of respect for a person’s freedom to provide the means necessary for such a change (see the section on *Respecting Gender Self-Identification* above).⁴⁹

One might worry that the language of freedom risks rendering trans women’s desires irrational in societies where men are arguably freer than women: Why should one rationally desire to be less free? Although I do think that there is something to this concern,⁵⁰ I believe that a sufficiently subtle and context-sensitive concept of freedom that includes the value of free self-expression, and doesn’t limit freedom to the quantity of external choice-sets, will be able to deal with this challenge. Serano’s ambivalence about identifying as a woman is interesting in this context:

I used to fear that embracing that identity [woman] would be tantamount to cramming myself into some predetermined box, restricting my possibilities and

potential. But I now realize that no matter how I act or what I do or say, I remain a woman—both in the eyes of the world and, more importantly, in the way that I experience myself. While I used to view the word “woman” as limiting, I now find it both empowering and limitless. (Serano 2007, 224)

To summarize, Moi’s account offers a way of conceptualizing the urgency of some trans persons to medically change parts of their bodies by regarding their bodily situation as freedom-inhibiting.

Particular Contexts of Oppression (Here and Now II)

I have suggested that Moi’s account of *gender identity* ultimately provides a better framework for grasping an individual’s embodied *gender identity* than for providing a unified account of “woman” (and “man”). Furthermore, this implied that Moi’s account is gender-eliminativist. This leaves us with two problems, the first of which I have already touched upon: does getting rid of a unified concept of “woman” obscure the sense in which misgendering and deadnaming are severe forms of disrespect? (see claim 2 as well as open questions 2 and 3). Second, what does it mean for the political project of feminism if we stop defining “woman” as its unified subject? In short, my answer to both questions is that we have to analyze concrete contexts of oppression.

Regarding the first problem, empirical occurrences of deliberate misgendering or deadnaming are rightly understood as forms of disrespect in concrete contexts of the oppression of trans persons. If this is correct, then we don’t need an inclusive concept of woman in order to criticize or make sense of such practices. We can simply say that they are wrong because people are deliberately disrespected as free persons. This suggestion of how to conceptualize the wrong of misgendering or deadnaming would have to be worked out more fully.⁵¹ The general idea is to recognize misgendering or deadnaming as part of a particular oppressive structure that feminism (or other emancipatory movements) should work against.⁵²

Regarding the second problem and taking seriously the insights associated with the term *intersectionality* (Crenshaw 1989), most instances in which women are oppressed are not instances where women are oppressed as women *simpliciter*—or not *as women* at all.⁵³ They will be oppressed as poor women, lesbian women, trans women, primary caregivers of children they gave birth to, persons with uteruses who didn’t give birth to children, feminized persons of color, and so on.⁵⁴

I therefore think that Moi’s account of individual *gender identity* must be combined with an analysis of specific contexts of oppression. As I have mentioned in the introduction, this view is similar to Young’s regarding her engagement with and critique of Moi (Young 2002/2005). Young wants to supplement Moi’s account of *gender identity* with an account of gender as a position in a social structure. However, unlike Young, I don’t want to limit “that with which Moi’s account of *gender identity* needs to be complemented” to the analysis (and critique) of the oppression of the gender “woman.” In contrast, I think that the oppression of trans women, single parents, or victims of domestic violence must (at least initially) be analyzed on its own terms, without presupposing a common structure of oppression (namely of the gender “woman”).⁵⁵ This does not exclude the possibility that after a thorough empirical analysis and theorization of several particular contexts of oppression, their intertwined character will become visible. Maybe it will turn out that we cannot conclusively understand transphobia without understanding the history and dynamics of patriarchy.⁵⁶ And

maybe in order to understand patriarchy adequately, we might need a concept of “woman” again.⁵⁷ But it is surely not the case that we need a complete theory of patriarchy and a fully spelled-out metaphysical notion of “woman” in order to condemn certain social contexts as contexts of oppression for trans persons, or trans women in particular.

Conclusion: Individual Embodied Gender Identity and Specific Contexts of Oppression

In this article, I first introduced Moi’s account of “woman,” which centers around the notion of “a body as situation” or a lived/living body. On this account, a woman is a person who finds herself in the situation of having a female body. I offered an individualistic reading of Moi’s view. Second, I introduced the “inclusion problem” toward trans women—the problem that certain accounts of gender fail to include trans women within the concept of woman. I also distinguished between transsexual and transgender trans persons. Third, I made two claims regarding how Moi’s account fares regarding the inclusion problem: the first being that Moi’s account can adequately grasp the identity of transsexual persons—trans persons who desire to change some parts of their body—thereby being inclusive toward transsexual women (claim 1). The second was that trans persons who do not desire bodily changes (exclusively transgender persons) are rendered unintelligible from Moi’s perspective, thus making her account exclusive toward exclusively transgender women (claim 2). Setting out from the observation that the second claim is troubling since it renders some persons’ *gender identity* unintelligible, I opened up four avenues for further thinking (four open questions): 1. questioning that claim 2 really is troublesome; 2. considering a rejection of Moi’s account of *gender identity* because it is unhelpful for the emancipation of trans persons; 3. asking whether there might be other more adequate ways of combating transphobia (for example, expressed in the form of misgendering) than “finding” an inclusive concept of woman; and 4. questioning whether the premise underlying claims 1 and 2 is wrong, namely the clear-cut distinction between *transsexual* and *transgender*. Although acknowledging that these avenues for further thinking cannot be fully taken here, I suggested two concrete feminist positions for the here and now resulting from the explorations in the article. First, *gender identity* should be a matter of self-identification. Furthermore, trans persons desiring medical treatment should be recognized *as trans* socially, in order to receive financial coverage. Second, in most cases we should resist framing feminist political projects as fighting the oppression of women *simpliciter* but make the effort to determine more specific and potentially partly overlapping contexts of oppression, for example, the oppression of “persons with children” or “trans women.”

This leaves us with the following dual picture: On the one hand, Moi’s phenomenological perspective provides helpful resources for describing individual *gender identity*. In short, this is because it does justice to the “truth . . . [that] our bodies are inseparable from our minds” and provides a “language to articulate ‘body feelings,’” which is largely lacking, according to Serano (Serano 2007, 220). On the other hand, oppressions typically criticized and combated from a feminist perspective should be framed more specifically than the oppression of “women.”

From this abstract dual framework, further work can take different directions. I will articulate five desiderata for further research. First, one might be interested in painting a more detailed picture of trans experiences. This would entail, for example, a further engagement with autobiographies of trans persons.⁵⁸ Such an inquiry would help

with my open question 4. To be sure, the result of such a phenomenological inquiry would be specific to a particular historical and cultural context. Second, mainly to answer open question 4, it would be necessary to develop a full phenomenological account of the body that, in particular, engages the question whether the perception of one's own body is conceptual and if so, how universally the relevant concepts are socially shared (see note 16). These first two desiderata show that I have not fully answered the question whether Moi's account is trans inclusive or not—and that this question is also amiss in a certain sense because of the phenomenological nature of Moi's perspective⁵⁹: Of course, Moi's account is in principle trans inclusive regarding all existent trans experiences; after all, they exist! And it is (fortunately) not the point of a phenomenological enterprise to deny someone's experience. However, it is possible that her general framework is not helpful for understanding some trans experiences, and that her theory therefore seems to dismiss them as “unintelligible” (see claim 2). To see whether this is really the case, one would have to try to phenomenologically reconstruct a self-identified (exclusively) transgender woman's experience through the lens of Moi's theory (as part of the first desideratum). In doing so, one would have to consider that both Moi's proposed account of woman and the particular experience to be phenomenologically reconstructed are part of a historically and culturally specific context. Furthermore, this reconstruction, in turn, would depend on a fuller articulation of the employed phenomenological theory of the body (second desideratum).

A third desideratum for future research would be to say more about the methodological relation between so-called ameliorative conceptual projects and ideal and non-ideal theory. In my criticism of Jenkins (open question 2⁶⁰), I asked whether we really want to construct a concept of gender identity that is potentially helpful for current political projects (that is, trans activism) but one we would want to get rid of or that would automatically disappear if we achieved a feminist utopia. My hunch is that we might want to have a normative framework that is helpful for guiding our current struggles *and* sustainable in a more just future. This thought is also provoked by my worry that, in the current discussions about conceptual engineering and the like, too much hope is put in finding adequate concepts of, say, “woman,” although adequate concepts alone won't suffice in combating normative wrongs. Fourth, it would be worthwhile to explore how the concept of situation might serve as a bridge between the individual *gender identity* of a person and the concrete contexts of oppression they are implicated in.⁶¹ Finally, it would be helpful to determine one concrete context of oppression related to a “classical” feminist topic, such as reproductive rights, and see whether it can really be adequately grasped without a unified concept of woman.

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Notes

1 In the phenomenological tradition, the German word *Leib* stands for the lived/living body in contrast to the body seen from an objective perspective (*Körper*). On the history of these terms, see Borsche and Kaulbach 1980.

2 Three clarifications are in order here: 1. This does not mean that Moi's essay is never mentioned. Mari Mikkola, for example, does refer to Moi's essay, however, only in the context of a reconstruction of biological determinism (Mikkola 2022, 3), the reconstruction of Butler's view (16), and a review of criticisms of the sex/gender distinction (28). 2. The discussion in analytic feminist philosophy is often understood as a discussion about the metaphysics of gender and/or the philosophy of language. Discussions in feminist philosophy about the nature of gender and sex have also been negotiated as questions in the philosophical subdiscipline of anthropology (Nagl-Docekal 2008, 303f.). I will not comment here on whether I think these distinct frames have substantial consequences. 3. In her recent book, Manon Garcia discusses how Beauvoir answered the question of "What is a woman?" (Garcia 2021, chapter 3) and also emphasizes that Beauvoir's phenomenological view of the body is important for reconstructing what it means to be a woman (esp. chapter 7). However, her perspective is different from the one I explore in this article: In Garcia's reconstruction of Beauvoir, the lived experience of the body is important mainly for the question of what it means to be a woman because it is for *any* everyday ("ordinary") lived experience (94). According to Garcia's interpretation of Beauvoir, the answer to the question "What is a woman?" is that women are persons who become *submissive* in the course of their lives (69). To understand what it means to become and be submissive on a day-to-day basis, the experience of one's body is crucial. Furthermore, Garcia does not discuss trans identities in particular, which is important for my purposes here.

3 When I use *gender identity* in italics, it means that gender is here understood in a broad sense that does not presuppose the distinction between sex and gender. Also note that Moi is critical of the concept of "identity" in feminist theory (Moi 1999b, viii and xiii). Although she does not make explicit her understanding of this concept and why she rejects it, contrasts to "freedom," "[s]ubjectivity," and "agency" suggest that she sees it as too stable and passive a concept. It seems to me that, for Moi, the answer to the question "What is a woman?" should not be formulated in terms of identity because this would suggest that, on the one hand, every woman is (always) a woman in the same way, and, on the other, one is a woman in virtue of someone else identifying one as such. My usage of *gender identity* allows for a more agential understanding.

4 For example, Jenkins's "Norm Relevancy Account" draws a somewhat disembodied picture of gender identity (Jenkins 2018, and already in parts of Jenkins 2016). For Jenkins, someone has gender *x* if they feel targeted by the social norms related to the gender role *x*. To be sure, orienting oneself in the world via the norm set of the gender role of, say, "woman" is, for Jenkins, explicitly "embodied" (Jenkins 2018, 729) in the sense that a woman might, for example, feel *physical* unease in a male-dominated workplace (because she's not supposed to be there). However, whether someone feels targeted by the norms of a certain gender is independent of their particular body, including someone's subjective body perception (which is crucial for the context of this article). I briefly come back to Jenkins's account in section III.

5 One might worry that a *Leib*-centric account also fails to do justice to care work related bodily needs (like hunger), since it is our biological body (*Körper*) that has these needs. This worry is warranted insofar as it raises the question how both perspectives on the body relate. This question will also come up below in relation to the female body. However, in, say, familial social contexts it seems to me that the bodily needs care work tends to be perceived predominantly as thirst, hunger, or sexual desire *as expressed by a proximate person*, say, the husband of a woman, that is, in relation to the husband's *Leib*.

6 "Gender . . . is best understood as a particular form of the social positioning of lived bodies in relation to one another within historically and socially specific institutions and processes that have material effects on the environment in which people act and reproduce relations of power and privilege among them" (Young 2002/2005, 22).

7 To be sure, Moi is also opposed to viewing "woman" as a sex concept.

8 Cf. "good theory of subjectivity or a useful understanding of the body" (Moi 1999a, 114).

9 Relatedly, Moi also thinks that Rubin's account and her critique of gender ideologies is more suited to purposes of social critique than to providing an understanding of individual identities (Moi 1999a, 27 and 30). In relation to Jenkins's distinction between "gender as class" and "gender as identity" (Jenkins 2016), one could reformulate this criticism such that Rubin's account is one of "gender as class" and not one of

“gender as identity” (and a good account of “gender as identity” would have something to say about the sexed body, too).

10 See also Heinämaa 2003, xiii: “Her [Beauvoir’s] well-known thesis ‘One is not born a woman: one becomes woman’ is misrepresented when it is identified with the sex/gender distinction,” and Garcia 2021, 47f.

11 In the following, I will equate “body as situation” and *Leib* (lived or living body). In her essay, Moi does not use *Leib*, lived or living body (but “*lived experience*” of one’s body [Moi 1999a, 63]). However, she affirmatively references Sara Heinämaa’s work on Beauvoir’s concept of the body (63, fn. 92), who, in turn, emphasizes that Beauvoir’s understanding of the body must be understood as the “phenomenological notion of the living body” (Heinämaa 2003, xiv). Heinämaa aims to show that Beauvoir’s work stands firmly in the phenomenological tradition and is not exclusively “Sartrean.” Note that in *The Prime of Life* (Beauvoir 1960/1994) Beauvoir herself, however, writes that the concept of situation she used in *The Second Sex* (Beauvoir 1949/2009) stems from Sartre in *Being and Nothingness* (Sartre 1943/1956). According to Simons, this is a “misleading claim since the concept of ‘situation’ apparently originates with Heidegger” (Simons 2009, 9). Heinämaa traces the phenomenological concept of *Leib* from its inception in Husserl’s work in 1907 (Heinämaa 2003, 26) to its elaboration in Merleau-Ponty’s work, especially in *Phenomenology of Perception* (Merleau-Ponty 1945/2012), and shows how Beauvoir was influenced by these thinkers. In *The Second Sex* Beauvoir explicitly uses the vocabularies of both the lived body and the body as situation: “one might say, in the position I adopt—that of Heidegger, Sartre, and Merleau-Ponty—that if the body is not a *thing*, it is a situation” and “it is not the body-object described by scientists that exists concretely but the body lived by the subject” (Beauvoir 1949/2009, 46, 79). Recently, Garcia has stressed that Beauvoir’s understanding of “situation” differs from Sartre’s (Garcia 2021, 50–54). Garcia also underlines that Beauvoir uses the phenomenological distinction between a body simpliciter and a lived body (*Leib*) (94f.).

12 Note that this explication of *Leib* as referring to the subjective experience of the body is itself historical. *Leib* generally refers to the body that is “*beeelt*,” that is, “has a soul” (Borsche and Kaulbach 1980, 16.435). However, it is only since the early modern period that “having a soul” is spelled out in terms of subjectivity (16.450ff.). A definition of “woman” that contains the (modern) concept of *Leib* is therefore a historical one. Also note that the history of the philosophical concept of *Leib* by Tilman Borsche and Friedrich Kaulbach that I am relying on focuses on the Western philosophical tradition.

13 Here “individualistic” is not meant in the sense of approving of an individualistic doctrine or the like. “Individualistic” here refers only to the fact that, in my reading of Moi, everyone’s *gender identity* is individual in the sense that it is ultimately based on the subjective experience of one’s sexed body. This does not imply that this subjective experience is not in many aspects shared with others or formed by others. Nevertheless, everyone’s subjective experience will be at least slightly different from another’s. Thanks to an anonymous referee for prompting me to clarify this.

14 Cf. “the question of what a woman is can never have just one answer” (Moi 1999a, 113).

15 Cf. “Although our biology is fundamental to the way we live in the world, biological facts alone give us no grounds for concluding anything at all about the *meaning* and *value* they will have for the individual and for society” (Moi 1999a, 69).

16 Suggesting that the question “What is a woman?” could be replaced by “What does it mean *for me* to find myself in a female body?” (or more specific sub-questions, like “What does it mean for me to have breasts?”), for example, raises further fundamental epistemological questions related to the debate concerning whether perceptual content is necessarily conceptual or not: If the perceptual experience of my body is individual, in what sense is it a “female” experience? And, is “female” necessarily a shared concept (this also leads back to the second question I addressed above)? I cannot fully address these fundamental questions here. For an overview of the debate on the (non)conceptual content of perception, see Toribio 2007. This recent debate is centered around the opposing positions of the conceptualist John McDowell and the non-conceptualist Christopher Peacocke; however, the question has also been treated by previous philosophers, in particular Edmund Husserl (see van Mazijk 2017). For the remainder of the article, I will assume that in many current societies, most persons conceptualize certain subjective body experiences or perceptions as “female” or “male.” For example, I take it that a chubby cis man is likely to perceive as “female” the movement of the fat tissue around his chest when running. This example aims to show two things: First, and crucially for the purposes of this article, a “female” body experience is not necessarily connected to having a female sex. Second, the link between the concept “female” and certain bodily experiences is based on what

I call a thin layer of a social “cis imaginary”: The fact that the movement of fat tissue around the chest is experienced as “female” links a certain body to a cultural interpretation, namely that persons who have this tissue are usually “female.” Note that if Moi’s definition of “woman” relies on what I have called a thin social “cis-imaginary,” then it is contextual, both culturally and historically: Moi’s account is based on her position as a Western thinker writing in the 1990s. As I said above, for Moi, persons who predominantly perceive their body as “female” are women. Note that in this picture, therefore, one doesn’t additionally need to be “feminine” to be a woman. Nevertheless, in a fully genderless society (the utopia of gender eliminativists), body experiences might not even be conceptualized as “male” or “female” anymore. For now, the emancipatory upshot of Moi’s proposal is twofold: A (fe)male body experience is not necessarily linked to a particular objective body; to be a woman it is sufficient to have a female body experience, and one doesn’t additionally need to be feminine.

17 Frantz Fanon analyzed race as a situation (see Moi 1999a, 67).

18 Mikkola is discussing Nancy Chodorow here.

19 Note that this historical and geographical statement is, of course, also already particularistic.

20 Note that in later work, responding to a criticism by Mikkola, Jenkins is less convinced that the inclusion problem really is a problem to be solved but merely one to be “deflated” (see Jenkins 2018, 733, fn. 24; also see Jenkins 2023, ch. 8).

21 I am aware that I am thereby engaging with a version of the question, “What impact does the existence of trans women have on feminist theorizing . . . ?” (Bettcher 2017, 9). Talia Bettcher (in my view rightly so) underlines that this kind of inquiry has only limited benefits for trans feminism (and trans activism and liberation generally) (9). Nevertheless, this is a correct description of my limited perspective as a cis feminist aiming to deal with a basic question of feminist philosophy (“What is a woman?”) in a trans-inclusive way.

22 For a brief argument that Beauvoir’s feminism is “trans-inclusionary,” see Cleary 2022, 40–43.

23 Nowadays, the term *sex change* is avoided and *transition* and *gender confirmation-surgery* or *gender-confirmation treatment* are used to refer to different elements of the former concept. *Transition* better reflects the processual character of the change in question (Giese 2020, 176f.). And *confirmation* does just justice to the fact that trans persons’ gender identity is (often) prior to the beginning of their (potential) bodily transition.

24 Chappell, in contrast, affirms the idea of thinking of trans women as “special” cases of women when drawing an analogy between the relation of adoptive parents to biological parents and trans women to women (Chappell 2018).

25 It is not necessary that a “pervasive picture of trans identity” is implied when using trans as part of a noun. However, I find convincing Giese’s elaboration of using “trans” as an adjective rather than part of noun (in German), in order to emphasize the nonpervasive picture of trans (although he doesn’t spell it out in these terms). Giese therefore recommends using “trans Mann,” “trans Frau,” “trans Person” instead of “Transmann,” “Transfrau,” “Transperson” (Giese 2020, 173–75; see also Serano 2007, 29).

26 As Bettcher notes, this definition of *transgender* is equivalent to at least some usages of the term *transgenderist* (Bettcher 2014a, 3).

27 Here I aim to emphasize that, of course, not only trans persons who “pass” (which, furthermore, not all trans persons desire) are trans persons.

28 Different gender roles are woman, man, or nonbinary (others may be added). A transgender person could therefore be a person who was assigned the gender (boy/man) at birth and now at, say, age twenty-five lives as a woman. The formulation “live as a woman” works just as well for a cis woman. Unlike Bettcher, I therefore don’t see the formulation as problematic in the sense of suggesting that this person only lives *as if* they were a woman (Bettcher 2013, 235).

29 In contrast, Bettcher does suggest that a transgender person, in the sense introduced above, does usually not identify as transsexual (Bettcher 2014a, 3).

30 Note that the distinction between *transsexual* and *transgender* has a historical and political dimension that I neglected above. Until the latest revision of the ICD (International Classification of Diseases and Related Health Problems) at the beginning of 2022, the term *transsexualism* referred to a “mental and behavioral disorder.” Aiming to depathologize trans identity, in the new ICD-11, *transsexualism* is replaced by *gender incongruence*, which is also found in a different section called, “Conditions related to sexual health.” In related official documents of the WHO (World Health Organization) explaining this change, trans-identified persons are referred to only as “transgender people,” not “transsexuals” (<https://www.who.int/standards/classifications/frequently-asked-questions/gender-incongruence-and->

[transgender-health-in-the-icd](#)). Against this background, it is evident why the term *transsexual* is sometimes viewed as problematic in itself because of its association with the pathologization of trans identities. This is also why *transgender* is sometimes used as an umbrella term for all trans persons (Bettcher 2014a, 3). With regard to the distinction between *transsexual* and *transgender* that I have introduced above, note, however, that a gender dysphoric or transgender person according to the WHO's understanding is a transsexual in the sense of desiring bodily modifications. Also consider that it might be useful to compare the distinction between transsexual and transgender persons that I will work with to Jenkins's distinction of four scenarios trans women may find themselves in (see Jenkins 2016, 399f.).

31 This quote by "Blake" is taken from <https://www.transhub.org.au/dysphoria>.

32 Note that I am here moving from Moi's description of the topic at stake to Jenkins's respectively (from *understanding* to *including*).

33 See note 4.

34 See her argument for why the "Gender-Relevancy Account" meets Desideratum 1: "The definition should render plausible the idea that gender identity is important and deserves respect" (Jenkins 2018, 731f.).

35 Haslanger opens up the possibility of there being new types of genders (Haslanger 2012, 245).

36 As I understand her, Jenkins proposes a mixture of a nonideal and an ameliorative method. There seems to be a tension here: Aren't we thereby searching for a target concept (serviceable to trans movements in the nonideal here and now) that will, however, become obsolete once we have reached our political goals?

37 Note that, of course, an inclusive account of women doesn't automatically lead to the abolition of transphobia.

38 Although the context of the article may suggest otherwise, I am using "styling" in a colloquial sense here and not referring to the technical phenomenological term. See Mann 2009, 89f. on the deep sense of "style" stemming from Merleau-Ponty and how it relates to the individuality of women.

39 Note that a positive answer to this question would, of course, not entail that she is planning any medical treatment. There could be many reasons against gender-confirmation surgery that do not concern the (lack of) desire for a different sexual organ (for example, medical risks or lack of health insurance).

40 With regard to the question of whether Moi's account is trans inclusive or not, this means I have not fully answered whether Moi's account can do justice to all trans identities (discussion of claim 2). Independently of this, political aims associated with an inclusive account of "woman" might still be accounted for from this somewhat preliminary theoretical vantage point. Also see the first and second desiderata for further research in the conclusion.

41 The following paragraphs contribute to answers to open questions 1–3, in particular 1.

42 There might be reasons against extending this idea to all circumstances (for example, cultural appropriation). Also, there cannot be such a thing as a right to be fully respected as the person one aspires to be (but this is not at all specific to the context of gender).

43 See the sections "The Basis of Risk," "Playing it Safe," and "A Political Question" in Finlayson, Jenkins, and Worsdale 2018.

44 Note that I attributed an ultimately gender-eliminativist view to Moi, which I have sympathies with. This means that in a future feminist utopia, women-only spaces wouldn't exist.

45 Note that even in countries in which changing one's gender marker in official documents is in principle possible, this has often involved a complicated administrative process, bearing high costs for the individuals pursuing such a change. Depending on the social status of the individuals, these costs may vary. See Spade 2008 for an overview of the complicated gender documentation policies in the US that have varied significantly between states.

46 I am thereby bracketing two questions: (1) What importance might it have for (some) trans persons to be officially recognized *as trans* (rather than merely as the gender they identify with), disregarding the question of covering the expenses for medical treatment? (2) Should others (say, psychologists) have a say in deciding whether someone's desire to modify parts of their body is to be accepted, and thus their medical treatment socially provided for? This question is controversially discussed, in particular with regard to trans-identified children. For the German context, see *Deutscher Ethikrat* (German Ethics Council) 2020.

47 Cf. similarly: "[B]y the time I made the decision to transition, my gender dissonance had gotten so bad that it completely consumed me. . ." (Serano 2007, 86).

48 There is a lot more work to be done here on differentiating ways of changing one's bodily situation and thereby better understanding the nature of gender-confirmation treatments. Axes of differentiation could,

for example, be: (1) individually generated change vs. change brought about with the help of others (like medical experts), or (2) change brought about by physical changes vs. change brought about by clothing or a different mental attitude. The phenomenology of such changes will also depend on the social imaginary in place; on my idea of an existing thin “cis imaginary,” see note 16.

49 This argument might hold for other situations in which people feel inhibited by their body, and this adds further complication (see Lennon 2006, 33).

50 Cf. Jenkins 2018, 4.3 on “Desiring Subordination.”

51 Trying to work out this suggestion might contribute to responding to at least the first part of the guiding questions Bettcher suggests for trans feminism: “How should we understand and address transphobia? And how might this require a re-thinking of feminism?” (Bettcher 2017, 10). These questions are alternatives to the question: “What impact does the existence of trans women have on feminist theorizing. . . ?” (9) that I started out with (see note 21).

52 Cf. the recent proposal by Anca Gheaus concerning “how to make sense of the wrong of misgendering without appealing to ‘gender identity’” (Gheaus 2022, 5).

53 This corresponds to Quill R Kukla’s and Mark Lance’s demand: “If you want to talk about genitals, talk about genitals. If you want to talk about DNA, talk about DNA. If you want to talk about social role or psychological senses of self, do so, clearly and explicitly. Eliminate the unusual and always semantically imprecise and pragmatically ambiguous uses of gendered terms [like ‘woman’] for that purpose” (Kukla and Lance forthcoming; Gheaus 2022, 19f. goes in a similar direction).

54 To be sure, belonging to a certain oppressed group, like a racialized group, may also be relevant for someone’s identity. In this article, however, I am especially interested in the dimension of *gender* of someone’s individual identity. Therefore, other group memberships do not figure as identity categories here. Thanks to an anonymous referee for demanding clarification on this.

55 For a recent problematization of the “common oppression” of women, see Srinivasan 2021, 161ff.

56 On the connection between transphobia and sexism, see Serano 2007, 235f.

57 If so, something along the lines of Haslanger’s “gender as class” view will probably be helpful. Gender in this account is attributed to persons by others on the basis of perceived roles in sexual reproduction—and has no ambition to provide a “deep” and meaningful sense of gender identity—and would (at least in this particular sense) disappear in a more just world.

58 Cf. Moi’s methodological remarks about the method of “a phenomenological account of transsexuality”: “The method of such an account would have much in common with Simone de Beauvoir’s method in *The Second Sex*. One would have to study historical and legal material in order to establish what social norms and expectations transsexuals encounter, read fiction and watch films to discover something about the cultural significance of sex changes, and examine medical material in order to understand what interventions a sex change requires, and what the medical consequences actually are. Psychoanalytic and psychiatric case studies would be central to the project. Perhaps most important of all would be autobiographies, memoirs, and other texts written by transsexuals, as well as interviews and conversations with them. It goes without saying that the differences between transsexuals, transvestites, and other transgendered people would need to be taken into account” (Moi 1999a, 115f.).

59 Remember the distinction between *understanding* and normatively *including* that I introduced in section II (also see note 32).

60 Dealing with the third desideratum is also relevant for open questions 1 and 3.

61 Young’s thoughts on this would be an apt starting point (see Young 2002/2005, 26).

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