

2025

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Recommended Citation

Richardson, Kevin. 2025. "The Metaphysics of Gender and the Gender Binary." *Feminist Philosophy Quarterly* 11 (1). Article 5.

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Abstract

The metaphysics of gender has largely focused on examples of interpersonal, linguistically articulated misrecognition. Cases of linguistic misgendering center an interaction between two people where one person refuses to recognize the gender identity of another. In light of these cases, metaphysicians of gender have devoted substantial attention to defining gender kinds and concepts. In this paper, I consider a different set of examples. I discuss cases of structural, materially articulated violence, patterns of targeted structural violence toward trans and gender-nonconforming people. Specifically, I argue that this kind of structural violence is explained by the gender binary, a social structure that (a) dictates the descriptive expectation that there are two biologically grounded genders, male and female, and (b) divides up social roles based on whether a person is male or female. I claim that metaphysicians of gender need to give a real definition of the gender binary, and I present my own preliminary account. The methodological upshot of this paper is that the metaphysics of gender is not limited to the task of determining who is (or is not) really a member of a gender kind.

Keywords: gender, metaphysics, gender binary, feminist metaphysics, philosophy of language

1. Introduction

A main cause of philosophical disease—a one-sided diet: one nourishes one’s thinking with only one kind of example.
—Wittgenstein (1958, remark 593)

The metaphysics of gender often centers around a very specific kind of example. A trans woman—specifically, a trans woman that has medically transitioned—is verbally misgendered. “Trans women are not women,” says the hypothetical offender. The ensuing philosophical debate centers around three things: *semantics*—the meaning of “woman”; *metaphysics*—the nature of kind *woman*; and *ethics*—whether the metaphysics or semantics of gender can or should vindicate

feminist politics, where feminist politics is conceived as the broad political project of ending gender oppression.

While there are many positions philosophers can take with respect to the connection between semantics, metaphysics, and politics of gender, two broad camps have emerged. The *metaphysics-first* camp insists that the metaphysics of gender—the ostensible project of accounting for the nature of gender kinds—helps vindicate or support feminist politics.¹ For example, you may insist that “trans women are women,” just because trans women really are women; this is a metaphysical fact, not simply something that is good to say. In contrast, the *ethics-first* camp insists that the metaphysics of gender is orthogonal to feminist politics. Whether or not we should say “Trans women are women” does not depend on a distinctive metaphysical thesis about women.² In fact, one might argue that gender terms do not generally represent the world at all!³

There is a nugget of truth of both the metaphysics-first and ethics-first approaches to the metaphysics of gender. But both approaches are overly tuned to a specific kind of example, one that ultimately distorts one’s picture of the metaphysics of gender as a whole. Metaphysicians of gender have paid the most attention to cases of *interpersonal, linguistically articulated misrecognition*. Cases of linguistic misgendering center an interaction between two people where one person refuses to recognize the gender identity of another.⁴ If you take these cases as central to the metaphysics of gender, you will inevitably focus quite a bit of attention of the meanings of gender terms like “man” and “woman.”

¹ The metaphysics-first approach is most obviously found in social and legal discourse around trans rights. See Jenkins (2023) for discussion. Within academic philosophy, the metaphysics-first perspective can clearly be found in the work of gender-critical feminists like Stock (2021). The debate between Haslanger (2000) and Jenkins (2016) is often interpreted—rightly or wrongly—as a debate in which both parties assume a metaphysics-first framework.

² See Jenkins (2023, 200–240) for a helpful discussion and critique of what she calls the ontology-first approach. See Dembroff (2018) and Antony (2020) for additional critiques of metaphysics-first approaches. All of these critiques take what I call an ethics-first perspective.

³ See Kukla and Lance (2023) for a nonrepresentational or expressivist account of gender terms.

⁴ See Saul (2012) for the kinds of interpersonal cases that the metaphysics literature has taken up. While I sometimes use the phrase “gender identity,” I will not assume a robust account of gender identity. For recent accounts of gender identity, see Ashley (2023) and Briggs and George (2023). For skepticism about gender identity, see Hernandez and Bell (forthcoming).

There are a different set of examples that are relevant to gender, however. In this paper, I will discuss cases of *structural, materially articulated violence*. Instead of focusing on the (very real and harmful) effects of linguistic misgendering by individuals, I will discuss patterns of targeted structural violence toward trans and gender-nonconforming people. These will be examples where the violence is, in some sense, a product of structural legal and social factors. Specifically, I argue that this kind of structural violence is explained by the gender binary, a social structure that (a) dictates the descriptive expectation that there are two biologically grounded genders, male and female, and (b) divides up social roles based on whether a person is male or female.

By focusing on the gender binary, we reach a different way of thinking about the metaphysics of gender. The metaphysics of gender is not reducible to analyzing the meanings of ordinary gender *terms*, because the gender binary is not expressed by ordinary gender terms. The metaphysics of gender does not consist solely in theorizing about the nature of gender *kinds*, because the gender binary is not a gender kind. Finally, the metaphysics of gender can be ethically relevant without playing the role of validating, or invalidating, the gender identities of trans people. This different approach to thinking about the metaphysics of gender requires us to acknowledge the idea of a real definition—what might also be called an essence—of the gender binary. A real definition is a definition of a thing, not a word. While the notion of a real definition is old-fashioned, I argue that it can help us understand pressing issues in social ontology and feminist philosophy.

2. Interpersonal Gendered Harms

It was 2017 at Shawnee State University, a small college in Portsmouth, Ohio. On the first day of Amelia's political philosophy course, her professor, Dr. Nicholas Meriwether, addressed her using the wrong pronoun. Meriwether had called her "he" rather than "she." After class, Amelia informed Dr. Meriwether that she went by "she"; she was a woman and would like to be addressed using the female pronoun. Meriwether refused. In his opinion, gender was determined by one's sex at birth. After being informed that Meriwether was in fact violating his own university's pronoun-use policies, he proceeded to take legal action against the university. He argued that the university's pronouns policies infringed on his free speech rights. He won the case, leading to the perception (among many) that professors have the right to misgender their students.

The case I have described is a real case, the only embellishment being the name—Amelia.⁵ When philosophers discuss these cases, they tend to focus on imaginary instances of misgendering. Jennifer Saul’s (2012) landmark paper “Politically Significant Terms and Philosophy of Language: Methodological Issues” discusses the case of Charla, an imaginary trans woman who is misgendered. Imagine a dialogue between two people, A and B.

- (1) A: Charla is a woman
- (2) B: No, Charla is not a woman

Person *B* misgenders Charla. Misgendering, here, is defined as any case where a person uses a pronoun to address an individual that is not one of their preferred pronouns. Misgendering can be intentional or unintentional.

Misgendering is harmful. This was true for Amelia, who was subjected to psychological distress from the torrent of misgendering she experienced. Because Meriwether openly and regularly misgendered Amelia, the rest of her class was empowered to do so. Stephanie Kapusta (2016) describes a few different ways in which misgendering can be harmful. Most obviously, misgendering can have the effect of a microaggression; a small slight that can have a big psychological effect. Misgendering also disrespects a person’s identity; their self-respect is undermined.

These kinds of misgendering cases set the stage for questions in the metaphysics of gender. But the case is tricky, because it involves an entanglement of semantics, metaphysics, and ethics.

The semantic question is: What is the meaning of “woman” and other gender terms?⁶ There are various views here. One is that the meaning of “woman” is uniformly defined in a trans-exclusive way. On such a view, (1) “Charla is a woman” is false (and therefore its negation, [2], is true). Another view is that the meaning of

⁵ See Dohmen (2022) for an in-depth discussion of this legal case, *Meriwether v. Hartop* (6th Cir. 2021). I should note that this case is not a legal aberration. In *Ricard v. USD 475 Geary County* (D. Kan 2022), a middle school teacher refused to address a student by her preferred pronouns, for reasons of conscience. Similar events have occurred at the elementary school (*John and Jane Parents 1 v. Montgomery County Board of Education* [4th Cir. 2023]) and high school (*Kluge v. Brownsburg Community School Corp* [7th Cir. 2023]) levels. For a non-US, non-education case, see *Mackereth v. Department of Work and Pensions* (UK [2022] EAT 99); there, a doctor refused to use preferred pronouns, citing their religious beliefs.

⁶ The literature on the semantics of gender terms has grown considerably in recent years (e.g., Haslanger 2000; Saul 2012; Bettcher 2013; Diaz-Leon 2016; Barnes 2020; Laskowski 2020; Zeman 2020; Chen 2021).

“woman” is uniformly defined in a trans-inclusive way. On this view, (1) “Charla is a woman” is true (and therefore its negation, [2], is false). Against both views, contextualists take the meanings of gender terms to differ from context to context. On this view, (1) “Charla is a woman” will be true in some contexts but false in others. What determines the meaning of gender terms will vary depending on, for example, who the speakers and audiences are.

The semantic question—What is the meaning of gender terms?—is connected with the metaphysical question—What is the nature of kind *woman*? The metaphysical question can be hard to pull apart from the semantic question, but one common view is that the meaning of “woman” tells us something about an underlying worldly kind, *woman*. On the simplest view, gender kinds (like *woman*) are in one-to-one correspondence with gender terms (like “woman”). It is easier to see how semantic and metaphysical questions differ when we consider the contextualist view of gender terms. On contextualist views, gender terms mean something different depending on the context. Contextualism is most naturally paired with *gender pluralism*, the view that there are multiple gender kinds (*woman*₁, *woman*₂) for a given gender term “woman.”⁷ The metaphysics of gender kinds will then consist of the analysis of the nature of various gender kinds, not necessarily the meanings of gender terms.

The most immediate ethical question concerns how we *ought* to use gender terms.⁸ One view, what Robin Dembroff (2018) calls the *real gender assumption*, is that we should use gender terms based on whether a person is a member of a certain gender. A person should be called “woman” only if they are a member of the corresponding gender category or kind *woman*. The real gender assumption will have different consequences, depending on your preferred view of the metaphysics of gender. If *woman* is trans-exclusive, you appear to be led to the result that you should misgender trans people. If *woman* is trans-inclusive, you do not get this result. However, it seems dangerous to let the ethics of misgendering depend on the metaphysics of gender. This leads many to reject the real gender assumption. The metaphysics of gender does not matter for how we should use gender terms. How we ought to use gender terms is better understood as an ethical or political question, primarily.

The ethical questions have played a role in centering the metaphysical questions of interest. There have now developed two broad approaches to the

⁷ For more discussion of gender pluralism, see Spelman (1988), Stoljar (1995), Fausto-Sterling (2000), Haslanger (2012), Bettcher (2013), Ásta (2018), Dembroff (2018), and Bernstein (2020).

⁸ Many discussions touch on this question. For a small sample of the contemporary discussion, see Haslanger (2000), Saul (2012), Jenkins (2016), and Dembroff (2018).

relationship between the metaphysics of gender and the larger ethical and political questions about gender oppression.

The metaphysics-first approach insists that the ethics and politics of (say) trans identity will depend on the metaphysical facts.⁹ There are three obvious positions with the metaphysics-first approach. The first position is to defend a trans-exclusive metaphysics of gender kinds on the grounds that it is permissible to misgender people. This is the route of many so-called gender-critical feminists, who believe that the gender terms are sex terms, and that it is politically important to think this is the case.¹⁰ The second position is to defend trans-inclusive gender kinds on the grounds that doing otherwise is oppressive.¹¹ On this view, our metaphysical theories should be constrained by what is socially and politically just, in a very direct way. The third position is to defend trans-exclusive gender kinds on the grounds that it benefits feminist politics to highlight actually unjust states of affairs.¹² The idea is that trans-exclusive gender kinds do exist, but to acknowledge the existence of such kinds is not to lend political support for such kinds. Quite the opposite: the analysis of such kinds should lead us to the conclusion that they ought not exist.

The ethics-first approach rejects the metaphysical lens through which these ethical questions are analyzed. The first point of attack concerns the real gender assumption.¹³ It is unclear whether we need to do a bunch of metaphysics in order to determine how we should use pronouns. Pronoun use will ultimately be governed by ethical and political considerations, not a blind fidelity to the facts, whatever they are. Another rejection of the metaphysics-first approach can be found in Quill Kukla and Mark Lance's (2023) criticism of representational or descriptive theories of gender terms. The descriptivist takes gender terms to primarily describe gender kinds; there is an implicit word-world relation assumed by the use of gendered language. Kukla and Lance argue that gendered language is *not* primarily descriptive. We do not use

⁹ I take the metaphysics-first camp to be a broad one, including both public perspectives on gender (as Jenkins [2023] describes), but also certain views in the metaphysics of gender. Philosophers will not generally identify themselves as metaphysics-first, but the point of the label is to identify a family of overlapping views about the relationship between metaphysics and ethics.

¹⁰ High-profile accounts of gender-critical feminism, concerning its metaphysical, semantic, and political consequences, include Stock (2021), Lawford-Smith (2022, 2023), and Byrne (2023).

¹¹ For example, Jenkins (2016) appears to take this stance.

¹² See Haslanger (2000) and Ásta (2019) for approaches of this kind.

¹³ See Dembroff (2018). In the same spirit, Dembroff and Saint-Croix (2019) present cases in which what they call a person's agential identity—not their actual gender identity—matters.

gender terms to ascribe gender properties; rather, we use gender terms in order to *do* something—namely, locate individuals in social space. To say (1) “Charla is a woman” is to accept Charla’s demand to be taken up in social space in a certain way. To deny this claim is to reject Charla’s demand to be socially located as a woman.

There are more nuances involved in the metaphysics-first, ethics-first picture. The difference between metaphysics- and ethics- first is not hyper-rigid. Some philosophers can be metaphysics-first at some moments and ethics-first at others. Despite these nuances, the metaphysics-first/ethics-first framing is a powerful one. I will call it the *metaphysics/ethics dichotomy* for gender. This dichotomy is encountered much more often in person than in print. Despite the seeming clash between the two approaches, they both primarily respond to cases of interpersonal gendered harms. The cases are interpersonal, as opposed to structural, because they highlight a disagreement between two individuals. The cases are instances of gendered harm, as opposed to gender oppression, in the sense that the salient harms are local.

This is not to say that parties in the debate do not believe there is structural gender oppression; they absolutely do. This is only to say that the *examples* that motivate debates about the metaphysics of gender tend to highlight interpersonal gendered harms where we can identify specific individuals as perpetrators of harm. Next, I will consider a different sort of example, one that highlights structural gender violence. I will suggest that such an example cannot be easily accommodated within the metaphysics/ethics dichotomy.

3. Structural Gender Violence

In 2017, Kenne McFadden, a Black trans woman drowned in the San Antonio River. She was pushed into the river by Mark Daniel Lewis. Lewis said he pushed her into the river because of McFadden’s unwanted romantic advances. McFadden was inebriated and could not swim. Lewis did not attempt to help her. When a Texas court was tasked with determining whether the case was even worthy of a trial, it decided against it. The judge called McFadden a “nuisance,” concluding that Lewis’s actions were not evidence of criminal conduct. The courts ruled that Lewis’s response was reasonable. Lewis would not stand trial for murder, manslaughter, or anything else.¹⁴

The story of Kenne McFadden is not an unusual one. Trans people—in particular Black trans women—are often subject to deadly violence on the basis of their identity. The data on antitrans violence are incomplete, but the data that exist paint a bleak picture. The Humans Rights Campaign Foundation (2023) reports that there was an “epidemic of violence” against trans and gender-nonconforming people in the United States in 2023. They identify 26 trans people killed in 2023 (as of

¹⁴ See Einbinder (2022) for an investigative report on McFadden’s case.

November 20, 2023), making the total 335 trans lives lost since 2013. Since 2013, about 83 percent of the victims of fatal violence were trans women, and about 75 percent of the victims of fatal violence were trans women of color. In about 40 percent of the cases, no arrests were made. Another important resource has been *Business Insider's* 2022 investigation into the deaths of trans people in the United States. They find that 175 trans people were killed between 2017–2021, with only 28 cases resulting in murder convictions and only 5 classified as hate crimes (Insider Investigations Team 2022). Finally, there is evidence that antitrans violence is a global trend, not one specific to the United States.¹⁵

The fact that trans people have experienced deadly violence, alone, is not enough to suggest that the violence is structural. What makes the violence structural is the accumulation of evidence to the effect that much of this violence is either (a) identity-based or (b) excused on the grounds of identity. In the former case, we say that trans people are being killed by others *because* they are, or are perceived to be, trans people. While this may be true, I will mainly focus on the excuse-generating way in which trans people are subject to gender violence. Even if trans people are not killed because they are trans, there is a large amount of evidence that suggests that the killing of trans people is excused because they are trans.

One glaring example of this kind of excuse structure is the “trans panic defense.” Criminologist Warren Andresen sums up the defense as follows:

The defendant posits that he initially believed his victim was a cisgender woman. Through this defense element, the defendant implies that the victim was deceitful and sought to dupe him. The defendant also argues that discovering the victim was a transgender woman proved so traumatic that it provoked him to lash out in a reflexive act of homicidal violence. (Andresen 2024, 273)

Though this is a ridiculous defense, on its face, it has been quite successful in either reducing sentences or eliminating entirely sentences for those who have killed trans people. Homicidal violence is rendered excusable when the victim is a trans woman, specifically.

The frequent killing of trans people, and its subsequent justification, is part of what criminologists have called the *trifecta of violence* against trans people (Lenning, Brightman, and Buist 2021; Brightman et al. 2024). The trifecta of violence describes

¹⁵ Empirical data on global antitrans violence is limited, but there are a few studies that are indicative of global trends. See Kidd and Witten (2007), Lyons et. al. (2017), and Taşcıoğlu (2023).

the ideologies, policies, and actions that collectively constitute structural violence against trans people.

Antitrans ideology manifests itself in many forms. For example, trans women are often depicted as predatory men. From this perspective, trans women are men that seek to use their female gender identities in order to gain access to women's spaces; once they occupy these spaces, they ultimately intend to prey on (cis) women. Another form of antitrans ideology concerns the idea that trans people are more likely to be immoral sexual deviants, like child sexual abusers. Less extreme manifestations of antitrans or transphobic ideology will simply privilege the recognition of biological gender identity. The public manifestation of antitrans ideology consists of defense of "antigender" or gender-critical legal policies. Many people in these social movements convey unambiguously antitrans messages.¹⁶

Antitrans policies complement antitrans ideology. Antitrans legislation distinctively singles out trans people and affects their ability to get health care and education, participate in sports, use public facilities, and so on. A concrete example of an antitrans policy is what is called a "bathroom bill." Such bills make it illegal for many trans women to use public women's restrooms. Bathroom bills are motivated, at least partly, by antitrans ideology that depicts trans women as secret male predators. Another common antitrans policy restricts the legal gender recognition of trans people. Legislation has been proposed that explicitly refuses to acknowledge the gender identities of trans people, while at the same time insisting that important rights and goods depend on gender recognition. In the United States in 2024, the Trans Legislation Tracker reported that 674 antitrans bills were considered in forty-three states.¹⁷ Of those, 50 passed. Antitrans legislation has risen sharply in recent years. By comparison, there were 79 antitrans bills in the US in 2020.

Antitrans violence, as I understand it, consists of both physical attacks and threatened attacks on trans people. This violence sits neatly alongside antitrans policies and ideology. Antitrans ideology legitimates antitrans violence. If trans women are ultimately understood as immoral sexual predators, killing trans women will not be seen as a major transgression. Antitrans policies, when coupled with antitrans ideology, sets the stage for antitrans violence. For example, bathroom bills make it illegal for many trans women to use women's restrooms. If a trans woman does use a woman's restroom, not only are they subject to violence from transphobic people, but this transphobic violence will be understood as a kind of policing. Far from violating the law, transphobic attackers will be seen as its functionaries. Alternatively,

¹⁶ For useful rhetorical analyses of antitrans rhetoric in the contemporary UK, see Hines (2020), and Pearce, Erikainen, and Vincent (2020).

¹⁷ This information is recent as of January 2025. For the latest data, see www.translegislation.com.

a trans woman can be attacked for using the men's restroom if they are legally required to use it, especially in the event that they present as a woman.¹⁸ The killability of trans people—particularly trans people of color—is sometimes understood through the framework of what is called *queer necropolitics*, a framework that highlights the ways in which trans people are systematically marked for death.¹⁹

With these elements of the picture together, I should now clarify the sense in which antitrans violence is structural. I take a social structural explanation to be an explanation of social events that is at least partly due to the existence of larger social structures.²⁰ The trifecta of violence—which consists of an interconnected web of ideologies, policies, and actions—constitutes a social structure. Understanding why trans people are killed requires not just facts about individuals in a circumstance; rather, understanding the attack on trans people requires understanding broader social structures.

There are more empirical and theoretical considerations that can be raised regarding structural violence against trans people. I cannot go into more detail, but I should note that structural violence is enabled and facilitated by additional forms of structural oppression: housing discrimination, job discrimination, economic injustice, structural racism, and so on. This is just to say that the complete explanation of antitrans structural violence is a much longer story. I have only sought to establish a basic conception of antitrans structural violence because it is important in relation to the metaphysics/ethics dichotomy.

Start with the metaphysics-first perspective. On this view, whether or not a person counts as a member of a certain gender should inform how we classify people. But the case of antitrans structural violence is not primarily about language. Calling trans women “women” does not directly address the question of structural violence against trans people. In the grand scheme of antitrans gender violence, verbal misgendering adds insult to injury; it is not the main event.

¹⁸ While this paper was under review, an important case of antitrans violence emerged that has attracted major attention in the US. Nex Benedict was a nonbinary trans teenager who was beaten up after using a women's restroom at their school (Mandler 2024). Benedict was treated for injuries at a hospital. They died a day later. As of this writing, Benedict's death has been ruled a suicide, though there are still unanswered questions surrounding the circumstances of Benedict's death. The story is still developing, but it appears to fit a pattern of structural gender violence against trans people.

¹⁹ See Puar (2007), Haritaworn, Kuntsman, and Posocco (2014), and Snorton and Haritaworn (2022).

²⁰ I am largely assuming Haslanger's (2016) account of social structural explanation. Though see Ross (2024) for another recent account.

Now take the ethics-first perspective. The ethics-firster agrees that metaphysics is not relevant here. Fair enough. But at the same time, we want to acknowledge the existence of social structures that partly explain structural gender violence. The idea of a social structure, or a particular social structure, is not an innocent one. We are not necessarily positing gender kinds, but we are assuming that something else (aside from an individual) is doing explanatory work.

At first glance, the metaphysics/ethics dichotomy appears to be unhelpful for making sense of structural gender violence. But further questions must be answered before reaching such a conclusion. What kind of social structure undergirds structural gender violence? And what makes that structure the source of a distinctively metaphysical inquiry? In the next few sections, I provide answers to these questions.

4. The Gender Binary

Philosophers often talk about gender, but they should talk more about the gender *binary*. What is the gender binary? There are different accounts, but my account is largely inspired by Kate Bornstein's (1994, 100–113) notion of the gender rule book (which is in turn inspired by Garfinkel [1967]). I take the gender binary to be a social structure that realizes (a) the logic of binary gender, (b) the membership conditions for putative binary gender kinds, and (c) the norms associated with binary gender membership.²¹ I argue that the gender binary is a crucial part of what explains both structural gender violence and interpersonal acts of misgendering.

The logic of gender, according to the gender binary, is as follows. Every person is either a man or woman. No person is both a man and a woman. The former condition tells us that men and women exhaust the gender categories. The latter condition tells us that men and women are exclusive; being a man prevents you from being a woman, and vice versa. This binary logic is supposed to govern our ordinary reasoning about gender. By default, I assume that everyone must have a gender and that no one has more than one.

The logic of gender is quite thin. We get more content when we consider the conditions of gender membership, as dictated by the gender binary. The binary perspective is ultimately a biological one. To be a man or woman is thought to be a matter of being a member of the male or female sex. There are different ways to carve up sex categories. You can define sexes in terms of reproductive capacity, chromosomes, or some cluster of biological features. It does not matter which biological criterion is adopted, but it is central to the gender binary that *some* biological criterion is adopted for gender membership. Furthermore, one is to assume

²¹ The literature on the gender binary is vast. For early influential accounts, see Garfinkel (1967), Butler (1990), Bornstein (1994), and Feinberg (1997). For more recent discussions, see Gilbert (2009), Dembroff (2020), and Velocci (forthcoming).

that this biological criterion is not itself socially imposed. Sexes are *purely* biological; their posit is not a reflection of contingent human groupings of bodies.

The gender binary distinguishes between gender membership conditions and gendered norms. You can be a woman and thus have the relevant gender membership without being guided by the relevant gender norms associated with a woman. Female gender norms generally recommend certain kinds of gender presentations for women. Women ought to look feminine. Men ought to look masculine. The “oughts” in these cases are social oughts, not moral ones. It is possible for someone to be a woman yet fail to live up to female gender norms. It is not possible, according to the gender binary, for a woman to not meet the gender membership conditions that biologically characterize being a woman.

The gendered norms associated with the gender binary require some unpacking. I start with the idea of a social norm, in general. There are different accounts of social norms, but I will rely on Charlotte Witt’s (2023) view. For her, social norms are understood as role-specific standards by which behavior is evaluated and assessed. For example, a student ought to do her homework. Students are bound, in virtue of the social position they occupy, to do their homework. This duty is neither moral nor prudential; it is what follows from their occupation of a social position. Witt thinks gender norms, in specific contexts, are like this. A gender norm is a kind of standard that makes some actions permissible, obligatory, or forbidden.²²

The content of gender norms may look something like this: men do not cry; women are nurturing and caring; men are aggressive; women are passive; and so on. Gender norms of the relevant kind identify prototypical or ideal men and women, from the perspective of the gender binary. The gender binary is heteronormative in the sense that it privileges heterosexual relationships. Men and women should be straight. Being “straight” is not just a sexual orientation, in terms of a disposition to desire the “opposite-sex,” but also an identity. Straight men are expected to have sex with women in a straight way; for example, they are not to enjoy anal stimulation.²³

Putting it all together, the gender binary is the social structure that realizes (a) the logic of binary gender, (b) the membership conditions for putative binary gender kinds, and (c) the norms associated with binary gender membership. I take facts (a)–(c) to have a kind of representational content; there is the way the world ought to be, given the logics, membership, and norms of gender. These representations are

²² A more common approach to social norms is Bicchieri (2017)’s theory. She takes social norms to be rules that are obeyed, conditional on descriptive and normative expectations. Nothing hinges on my particular choice of theory of social norms, though I prefer Witt’s account because it emphasizes the normative structure and bindingness of social norms.

²³ For recent discussions of sexual identity, see Andler (2021, 2022).

realized by social structures to the extent that social structures produce or accommodate the social divisions they broadly represent. For example, separate male and female restrooms are social structures that promote the idea that people should be divided into two genders; it also accommodates those who accept the reality of the gender binary.

A full account of structural realization is beyond the scope of this paper. I only want to note that the realization of the gender binary does not necessarily entail the existence of gender kinds. It is tempting to think of the gender binary as constructing gender, but this is a further metaphysical commitment. In order for the gender binary to be structurally realized, it only needs to promote human division among certain biological and social lines; it does not follow that the lines drawn constitute the boundaries of gender kinds. Or at least, I do not want to presuppose that this is the case.

I have given a broad account of the gender binary, though I must confess that I have engaged in a bit of idealization. I have spoken of *the* gender binary, when it may be more accurate to speak of *a* gender binary. It is plausible that there are slightly different gender binaries governing different social contexts across place and time. The logic, membership facts, and norms may differ somewhat, depending on the gender binary. Furthermore, gender binaries are not quite as rigid as I have made them out to be.

Concerning the logic of the gender binary, there are gender binaries that admit the existence of more than three genders. For example, you might acknowledge the existence of intersex people who are not rightly considered male or female; however, a gender binary will nonetheless insist that these individuals are an extreme minority.

Concerning the content of gender norms, there is a binary way of making sense of trans identity. A trans binary acknowledges the existence of trans women, but only insofar as trans women aspire to abide by the binary norms that govern cis women. For example, a butch trans woman would be considered a violation of the trans binary (Rossiter 2016). These are instances of what is sometimes called transnormativity, “the belief that there is only one way for trans* people to practice their gender . . . [It] suggests that all trans* people should transition from one socially knowable sex to another” (Nicolazzo 2016, 1175). Another loosening of the gender norms concerns heterosexuality. A gender binary can recognize nonheterosexual people and relationships; perhaps it does not require all women to be straight. Still, gender binaries can nonetheless require that queer couples have designated individuals who play the male and female roles within a relationship.

It is better to see the gender binary as a way of describing a family of similar social structures. At the extreme case, there are certain ideals of the logic, membership, and norms. Some binaries are closer to that ideal than others, but they are all gender binaries. These binaries will have context-specific—that is, local and

temporary—ideals that are more specific than what I have said here. When I say “the” gender binary, I am using this as an idealization.

5. The Explanatory Power of the Gender Binary

Now I want to show how the notion of a gender binary helps us better understand both (a) structural gender violence and (b) interpersonal misgendering.

There are two straightforward explanatory connections between the gender binary and structural gender violence. First, structural gender violence is the result of protecting and defending the gender binary. Second, the gender binary itself promotes and accommodates gender violence; it is part of the structure of structural gender violence.

Trans people constitute what Dembroff (2020, 13) calls an *existential destabilizing* of the gender binary. The gender binary tells us that only certain types of people are possible and ideal. Trans people, at least as they understand themselves, are impossible. Furthermore, insofar as they exist, they are not socially or morally ideal. The threat to the gender binary is not trans people as individuals; rather, it is the fact that trans people normalize the disruption of the gender binary. This is why, despite the relatively small population of trans people, there is an intense mobilization against them in the forms of laws and antitrans media messaging.

The fact that trans people threaten (or are perceived to threaten) the gender binary partly explains the presence of antitrans structural gender violence. Violence is a defense mechanism; it inhibits or eliminates the threat posed by trans people. In order for the antitrans gender violence to be maximally efficient and effective, it must be structural. The brutal calculus of protecting the binary involves the systematic material assault on trans people, not just their rights.

Not only is structural gender violence the result of protecting the gender binary, but the binary itself promotes and accommodates structural gender violence. Most obviously, the content of binary gender norms will excuse the killing of trans people. The norms will say: men should not deceive other men into sex; trans women are men; a man being deceived into gay sex is an assault on a man’s masculinity; men must defend their masculinity even if it means injuring or even killing another person; and so on. The content of the gender binary is realized through the practices and social structures that actually put trans people at risk for violence. At least some of the structural gender violence is not simply in *defense* of the gender binary; it is a constitutive *part* of the binary itself.

To be fair, the form and intensity of gender binaries necessary to legitimize antitrans violence can vary. Some binaries may prioritize psychological over physical violence. Some instances of physical violence will fall short of killing. And some killings will be publicly condemned as wrongful. The exact nature of antitrans violence and its

protective effects requires an attention to the empirical details. My claim is that the gender binary is essentially connected to structural gender violence.

The gender binary helps explain structural gender violence, but it also helps explain cases of interpersonal misgendering. The gender binary explains why people use gendered language in the way they do, even when the gender binary is not part of the literal meaning (or semantic content) of gendered sentences.

This is clearest in real-world cases. Recall Amelia's conflict with Dr. Meriwether, the professor that insisted he was not obligated to respect Amelia's pronouns. Meriwether rejected pronoun policies that disrupted local gender binaries. He pursued legal measures that ultimately reinforced the legitimacy of gender binaries. To explain why Meriwether acted in the way he acted, and why other actors acted to support trans-exclusive policies, we must appeal to the gender binary.

Thought experiments tend to obscure the significance of the gender binary. This is typically because they lack context. Suppose *B* misgenders Charla by saying that she is not a woman. It is important to understand *why B* misgenders Charla; this is not merely for reasons of assessing their moral culpability but to better understand what explains their utterance in the first place. In the real world, misgendering often happens because a person wants to protect the gender binary. Refusing to use preferred pronouns, when those pronouns contradict the gender binary, motivates misgendering. Or at least, it motivates the *right* to misgender in certain contexts. If this is the case, then we can again explain the use of certain kinds of gendered language by appealing to the gender binary.

I want to highlight two important clarifications of my thesis: one semantic, one metaphysical.

The semantic clarification is that appealing to the gender binary to explain gendered language is not a distinctively semantic thesis. My claim is not that "Charla is a woman" means something like Charla is a woman, according to the gender binary. I am not in the business of semantic theory. I can give an explanation of why people use language without assuming that the explanation is part of the meaning of the language. For example, I say "ouch" because I am in pain, but "ouch" (plausibly) does not represent pain. The gender binary explains certain types of actions, and utterances are merely one type of action.

The metaphysical clarification is that we do not need to assume that the gender binary entails the existence of gender kinds. I have said this before, but it is worth repeating. The metaphysical claim—that there are gender kinds with trans-inclusive or trans-exclusive gender membership conditions—is *not* one that I am making here. This claim is strictly independent from the existence of the gender binary.

Because my explanations are not semantic or about the metaphysics of gender kinds, they constitute a distinctive position in the literature. My view does not neatly

fit into the metaphysics-first or ethics-first frameworks. Instead, my account fits into a neglected, yet modest, way of thinking about metaphysics: the tradition that invokes the notion of a real definition.

6. Real Definitions

I want to suggest that my account of the gender binary is actually a real definition of the gender binary. (Alternatively, I have given a schematic characterization of what real definitions for gender binaries could be.) I did not *explicitly* give a real definition, because I suspect the words “real definition” would have scared some people off from the start. In this section, I explain what I mean by a real definition and why my account of the gender binary counts as such.

I will start with the basic distinction between nominal and real definitions. A nominal definition is a definition of a word; the word “car” means such-and-such. Nominal definitions depict relationships between words and, depending on your theory of meaning, the world or mind. A real definition, in contrast, is a definition of a thing itself. A real definition characterizes the properties of a worldly object or kind; it does not simply define a word.²⁴

To understand the notion of a real definition, it is useful to consider examples.²⁵

- To be a vixen is to be a female fox.
- To be square is to be rectangular and equilateral.
- For Susan to be a sibling just is for Susan to share a parent with someone.
- Water just is H₂O.
- For the number of dinosaurs to be zero just is for there to be no dinosaurs.

In each case, we specify a kind of equivalence. There is a schema for real definition claims. To be *F* is to be *G*. Alternatively, for *P* to be the case is for *Q* to be the case.

Real definitions have strong modal properties. If *P* defines *Q*, then necessarily *P* is the case if and only if *Q* is the case. For example, if to be a vixen is to be a female fox, then there will be no cases of vixens that are not also cases of female foxes, and vice versa. Real definitions specify necessary and sufficient conditions for something’s being the case.

²⁴ For modern theories of real definition, see: Rosen (2015), Fine (2015), Correia (2017), and Correia and Skiles (2019).

²⁵ The first two examples are from Dorr (2016, 39). The remaining examples are from Rayo (2013, 3).

So far, real definitions are not obviously different from nominal definitions. The distinction between nominal and real definitions has much historical support, but contemporary philosophy makes the distinction hard to maintain. This is due to a certain way of thinking about semantics and metaphysics by influential philosophers like Saul Kripke, W. V. Quine, Hilary Putnam, and others. Allow me a brief historical excursus.

Up until the early twentieth century, the dominant view of linguistic meaning was *internalist*: on this view, the meaning of a term like “water” was determined by internal features of our minds. For many philosophers, internalism meant that we had privileged access to a distinctive kind of knowledge: conceptual or analytical knowledge. Conceptual knowledge can be gained merely by reflecting on our internal concepts. Conceptual knowledge was sharply distinguished from worldly knowledge, or knowledge of the external world. To acquire such knowledge, we needed to engage in distinctively nonsemantic, or empirical, inquiry.

Today, internalism is no longer the dominant view of meaning. Many philosophers are *externalists*; they believe that the meaning of a linguistic expression is not entirely dependent on what goes on inside our heads. What we mean can be established, as Kripke (1980) argued, by a reference relation that makes causal contact with the objects of our discussion. Importantly, we need not be aware or conscious of relations of what our terms and concepts pick out. Externalism is seen by many to blur the distinction between semantic knowledge and empirical knowledge.

Sally Haslanger is the most relevant representative of the externalist tradition in social ontology. She writes, “For an externalist, to answer the question ‘What is the content/meaning of X?’ one should focus on the question ‘What is X?’” (Haslanger 2020, 244) She gives the example of “sheriff.” The meaning of “sheriff” can be ascertained by thinking about what it is to be a sheriff, or what it is for someone to be a sheriff. She does not think the latter inquiry is purely conceptual because there may be social facts about being a sheriff that are not transparent to our minds. Nonetheless, learning about the social norms and institutions can illuminate what the word “sheriff” means via illuminating what sheriffs *are* (244–45).

If you are an externalist, there is no strong distinction between nominal and real definitions. This is because the externalist takes nominal definitions, understood as the linguistic meanings of expressions, to pick out metaphysical features of the world. To be a sheriff is to have certain properties. Not all these properties will be transparent to users of the term “sheriff.” In fact, we could make discoveries about the real definition of sheriff that are contrary to what we ordinarily think sheriffs are. Externalism allows for the possibility of radical semantic mistakes; we are mistaken about the basic meanings of our words because we are mistaken, ultimately, about what the world is like.

While externalism is popular, it is not universal. Moreover, I do not want the intelligibility of real definition to rely on a particular theory of meaning. For this reason, I claim that real definitions may be independent of the meanings of the relevant words, at least if internalism is true. For example, the term “water” may not mean H₂O, even if there is a real definition of water in terms of H₂O. This sounds strange if we assume that a real definition tells us what we have meant all along by ordinary language terms. It is less strange if we take a real definition to *explain* certain uses of language without defining it.

This is easiest to see in the case of the gender binary. Here is my rough definition.

For *B* to be a gender binary is for *B* to be a social structure that realizes (a) the logic of binary gender, (b) the membership conditions for putative binary gender kinds, and (c) the norms associated with binary gender membership.

The real definition of the gender binary tells you what it is for something to be a gender binary. We can introduce the term “gender binary” to refer to this structure, but the meaning of “gender binary” is irrelevant to the inquiry at hand. The gender binary—the thing itself—explains why we often act and talk in the way we do.

The explanatory power of the gender binary does not depend on whether externalism or internalism is true. Internalism could be true of gendered language. The meaning of “woman” might consist of a set of commonly held beliefs about its meaning. But this semantic point is strictly independent of whether the gender binary—the worldly structure—can explain gendered thought, talk, and action. The gender binary can explain gendered talk without being the meaning of gender terms, just as pain can explain expletive use without being the meaning of expletives.

I have appealed to the notion of a real definition not because I want to insist on a particular theory of real definition. Rather, I believe the notion of real definition is useful because it allows us to identify metaphysical projects that often go unnoticed. Not every metaphysical project takes a semantic form, and the case of the gender binary is an important instance of such a project. That said, there are a few obvious criticisms of my appeal to real definition. I will address these in turn.

The first objection is that I am not giving a real definition of the gender binary; instead, I am defining “gender binary.” From this perspective, you might conclude that my project is ultimately an instance of giving a nominal definition. In response, I should note that my account is not sensitive to whether my real definition corresponds to what theorists commonly call “the gender binary.” I take “the gender binary” to be a technical term with different meanings. I do not believe there is a core meaning of “the gender binary,” nor am I trying to capture such a meaning, if it exists.

Even if I am not attempting to capture the preexisting meaning of “the gender binary,” you might argue that I am trying to modify or construct a new meaning for “the gender binary.” This recasts my project as fundamentally a project in conceptual engineering. For example, Amie Thomasson (2017) has recently argued that many debates in social ontology (and metaphysics more generally) are better understood as debates about what concept we ought to use. On the engineering perspective, I am not giving a definition of a structure; rather, I am proposing a new nominal definition of a term or concept. There is no distinctive metaphysical project to be had concerning the gender binary.

It may be true that I am also engaging in a conceptual engineering project, but I take my project to be successful only if there are gender binaries that my engineered concept perspicuously describes. It is worth noting that conceptual engineering projects are not incompatible with essentialist or real definition projects. For example, Asya Passinsky (2021) gives an account of what she calls Finean feminist metaphysics. She takes there to be essences of gender kinds; some kinds may be trans-inclusive while others may be trans-exclusive. We might insist that our concepts track one sort of kind rather than another. This would be a conceptual engineering project, but it would be backed by an essentialist metaphysics.

Perhaps a more fundamental criticism concerns the “real” in real definition. There is a kind of metaphysical skepticism that raises red flags at the very mention of terms like “real” and “reality.” The current use of the term “real” is simply to contrast with nominal (or linguistic). There can be real definitions of mind- or society-dependent objects. My real definition of the gender binary is just such a definition.

There are many additional questions one might ask about real definitions. I have not sought to give such a theory here. Instead, I have appealed to a very minimal notion of real definition, one that gives us some distance from more common semantic and conceptual engineering projects. I only need a concept of real definition to make the distinction between a metaphysical account of the gender binary and a semantic proposal for the meaning of “the gender binary.” This distinction is often lost in contemporary metaphysics, especially social ontology.

The concept of a real definition is needed, specifically, because it opens up important possibilities for the metaphysics of gender. Instead of spending our time thinking about the membership conditions of gender categories, I suggest that we think more about the real definitions of gender structures, like the gender binary. This is a way in which we can do the metaphysics of gender, but it does not revolve about the semantics of gender terms or the metaphysics of gender categories.

I am not the first person to suggest that the subject matter of gender is more expansive than gender kinds. Elizabeth Barnes (2020, 714–15) suggests that we need to give accounts of social kinds like *feminized*, where being feminized is a social property that helps explain complex gender experiences. Briggs and George (2023)

argue that there are many things that fall under the umbrella of “gender”; for this reason, it is a mistake to identify the question “What is gender?” with the more specific question “What is gender kinds?” My contribution is to explicitly understand these insights in metaphysical terms. We have standardly taken the metaphysics of gender to consist in the metaphysics of gender kinds; this is too narrow. We can instead do the metaphysics of the gender binary, which falls under the broad notion of gender. By taking ourselves to give a real definition of the gender binary, we avoid confusing our project for a linguistic one.

7. Conclusion

We started with a simple picture of gender, with the metaphysics-first camp on one side and the ethics-first camp on the other. These camps are quite natural divisions when we restrict our discussion to interpersonal gendered harms. They are less natural when we discuss structural gender violence. This is because the latter kind of discussion invokes resources that go beyond our ordinary terms and concepts. At the same time, the discussion requires a careful representation of the social world. I have invoked the concept of a real definition for this purpose. Moreover, understanding the relevant objects of definition will require both empirical study and increased engagement with critical social and political philosophy.

The resulting metaphysics of gender does not take metaphysics or ethics to be “first,” in the relevant sense. This is because the metaphysician of gender need not be in the business of vindicating gender identities. Insofar as we are feminist metaphysicians, it is good enough to instead help make sense of gender oppression. A real definition of the gender binary is a start.

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