

Criticisms of the Theory of Gender as a Social Construction and its Pertinence to Transgendered Individuals

A letter to the feminist community

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Abstract

This essay is formatted as a letter in response to a criticism which I have frequently received from certain portions of the feminist community. Namely, feminist who understand “the social construction of gender” to refer to a total absence of any “innate” quality to gender identity. In other words, that people develop a gender identity solely based on our societal ideas about what is known as “the gender binary,” or the idea that men and women are entirely distinct from one another, also closely associated with the idea that *all* people are either men or women, and the idea that men and women should have distinct and separate social roles assigned to them based on their gender. It is a primary goal of many feminists to dismantle the idea of gender binary because it inherently separates and isolates men from women, and simultaneously encourages stereotyping, sexism, and the reinforcing of traditional gender roles.

Many such feminists have been guilty of a particularly insidious form of transphobia, in which transgendered individuals are considered to be “unfeminist” or “reinforcing the gender binary” because they are actively enforcing the idea of an innate gender; in other words, having their own personal gender regardless of societal assignment reinforces the idea that a person *can* be innately either a man or a woman, and thus, it is argued, upholds our traditional ideas about gender and gendered behavior. As previously stated, this is a response and a criticism of that standpoint, an essay in defense of healthy and voluntary expressions of gender as a liberating and empowering practice rather than a coercive or sexist one.

Introduction

I am a young trans woman, in my twenties, on the verge of completing a college degree in computer science. I have not formally studied much in the way of sociology or women's studies, I am not a doctor or a professor. However, I am passionate about my life, and about my own self-identification. I am passionately indignant about the oppression of transgendered individuals in America and around the world today and about the coercive normative standards which our society places on individuals.

Being trans, I have had to put up with hiding my identity, my self, from nearly every person in my life for most of my life. When I have come out about being trans, I have had to face disbelief, dismissal, and rejection. Such treatment is particularly biting when it comes from liberal social activists whom one might expect to be willing allies. Sadly, some of the harshest criticism of transgendered individuals today is coming from segments of the feminist community, many of whom believe that the theory of the social construction of gender renders a transgendered identification as fundamentally unfeminist, as misogynistic, or as “reinforcing the gender binary.” I have received harsh criticism from self-identified feminists on numerous occasions for not being able to be happy while identifying as a man, for standing up for the identity which I know with every fiber of my being to be true.

The reason given is often that “gender is a social construction,” always stated as an absolute fact

and rarely with much understanding. To declare a gender for yourself actively *enforces* the idea of innate gender, an idea which many feminists have made it their goal to dismantle.

I consider myself to be a feminist, in that I support the fair and equal treatment of women worldwide, and the empowerment which will enable women to decide their own fates. As a humanist first and foremost, I believe in the fundamental rights of dignity and expression for every individual. I believe that the idea of innate gender in some individuals, when it is self-determined based on self-reflection rather than coercively assigned, is not in contradiction to these ideals.

I have seen and participated in many discussions about “gender” which are really about cisgendered men and cisgendered women only. I have seen the very concept of transgender dismissed as “off topic” in discussions about the nature of gender identity. I believe that this amounts to nothing more than the willful ignorance of inconvenient evidence of an incomplete theory. Tired of explaining and re-explaining the flaws in a theory which cannot account for my existence, tired of being criticized for not conforming to that theory, I have resolved to commit my arguments and complaints to writing. This is what you have before you now.

The sentiments in this document are based on personal experiences, both in person and on online forums (notably feministing.com and other similar sites) and represent my own thoughts and feelings. I do not and can not represent the transgendered community more generally, and I recognize that the limited population I have had negative interactions with does not represent the entire feminist community. However, I believe the segment of the population represented on both counts is significant enough to warrant this document.

1. The Theory of Gender as a Social Construction

Our oldest ideas about gender come from an extremely narrow view of “men” and “women.” Men are men, women are women. It is assumed to be perfectly obvious which is which, there is nothing in-between, around, or outside of these categories. Anything else is an abomination against God. These categories of people were also known to have different qualities, women were submissive and dim, men dominant and intelligent. This is unfortunately a view which much of the world still clings to with a tenacious and willful ignorance.

The idea of gender as a “social construction” was a challenge to this view. Coming from a humanist perspective, it was proposed that all people were fundamentally similar. Not content to state that a woman could be the equal or better than a man in any field or attribute, feminists of the social construction school took the idea one step further by proposing that there was in fact *no such thing* as gender at all. There are people, and these people have bodies. Based on the form of the body (male or female), a person will be treated by society in a particular way. In other words, a person born with a female body will be *told* to be a woman, told that she is *inescapably* a woman¹. Thus the “woman,” being a social being as all humans are, would be susceptible to the claims of her elders particularly if indoctrination began at an early age, and would thus conform to societal norms, *behaving* like a woman regardless of any actual differences between the mental capacities or inclinations of this individual and those who were declared “men.”

This theory provided a context for social activism. The fact that women were less prominent in industry or academia, or statistically less motivated or ambitious in these areas was not necessarily due

¹ Please forgive the pronoun use in this section, it is incredibly awkward to attempt to write with no pronouns at all and we are here speaking about persons whose gender has not yet been established.

to any innate failing on the part of women but was rather caused by an oppressive system which *told* women to behave in a certain way. As human beings innately desire societal acceptance, women were thus conforming to an imagined and meaningless role, from which it was the feminists' duty to free them.

Let me begin by saying that this was and is a wonderful idea. It represents an immense step forward from ancient ideas about gender and provides valuable insight into an aspect of societal relations which was previously largely unexplored. Furthermore, it provides a potential framework for the understanding of other power dynamics within society. The fundamentally humanist message, that we are all essentially similar, with the same potential regardless of our bodies or labels, is certainly a message of hope and optimism which I hope will persist well into the future.

Unfortunately, as a comprehensive theory of gender this framework falls egregiously short. For one thing, this conceptualization blurs and equates many related concepts, including gender roles (how men and women are expected to behave) gender identity (the gender which one personally identifies with) and societal assigning of gender (the gender which others expect of an individual, regardless of their personal identification). This theory also fails entirely to account for intersexed individuals or transgendered individuals, and, as will be shown, sidesteps quietly around the natural implications for human sexuality.

Furthermore, let it be stated that this theory is at the moment nothing more than an interesting philosophical idea which in practice seems to promote social justice and is thus a useful concept. There is, at the moment, absolutely no scientific reason to believe that there is *not* a biological basis for innate gender self-identification. While it seems reasonable to believe that there might not be, as I hope to demonstrate it is also entirely plausible that there is. The statement “gender is *entirely* a social construction” cannot be substantiated except by repetition or appeal to authority. While there is vast evidence of the effects of society on our concepts of gender and gender roles, this does not rule out an innate component to gender identity.

2. The Gender Binary and the Feminist Assault on Transgender

The idea of the “gender binary” goes back to essentially those same concepts mentioned earlier about our most ancient ideas about gender. The gender binary, put simply, is the belief that all people are either men or women, and that both groups have distinct traits which all members ought to be expected to conform to. In other words, all women behave in one way, all men in another. This is also closely associated with the idea that all people *must* be either men or women, no in-between, outside, or unrelated identities allowed. This is widely and for the most part uncontroversially accepted to be an archaic, damaging, and oppressive idea which offends the human right of free expression and needlessly and coercively assigns limits on the societal role any given individual is allowed to play out in the course of their life.

The social construction theory of gender (as it is often applied in practice) states that the idea of gender is *in and of itself* just such an oppressive lie, and unfortunately the concept of gender and the concept of gender binary have become convoluted to the point of being indistinguishable from one another in the eyes of many. This is, in a sense, only natural. Our society provides the gender binary (and associated gender roles) as a single, unilateral view of humanity and offers us no alternative. So although many concepts are being simultaneously addressed (identity, societal role, labeling) the desire to attack the concept as if it were a monolithic entity is understandable.

This has led many feminists to believe that the ultimate and fundamental goal of feminism ought to be the abolition of gender altogether. This is where transgendered individuals enter the mix. To be transgendered is a unique act of courage and self reflection, a declaration that you *do* in fact have a gender but that it is *not* the one which you were assigned at birth². This is fundamentally opposed to the “ideal” of a genderless world. After all, if people are choosing genders for themselves, what could they possibly be doing except reinforcing that very binary which oppresses them of their own volition? Thus, many feminists view transgendered individuals as being fundamentally in opposition to the ideals of feminism. Gender, after all, is a Social Construction. Thus to declare a gender for yourself at all is a fundamental violation of humanistic ideals.

This is where the weaknesses in the current framework for understanding gender as a social construction begin to show themselves. For one thing, according to the social construction theory an individual is *told* that they belong to a certain gender, and thus comes to believe it. There is no power in the current framework to explain an individual who is told that they belong to one group, but then of their own volition decides that they identify with the other.

Many feminists mistakenly assume that transgendered individuals *choose* the gender *role* which seems most comfortable to us. In other words, a man who wishes to wear dresses and be a homemaker *decides* that he will become a woman, for example. However, this concept is a gross oversimplification and caricaturization of a complex and diverse people group. While it is true that many transgendered individuals *do* desire the traditional role associated with our identified gender, to presume that this is a fundamental cause denies that there are transgendered individuals in every walk of life, filling as diverse an array of roles as our cisgendered peers. I, for example, am a Software Engineer by trade, with hobbies including online gaming and a favorite outfit consisting of cargo-pants and a baggy T-shirt. Why, then, would I “choose” to identify as a woman, when my life goals and interests line up more closely with a traditionally male role?

Many transgendered individuals have come to another idea about gender: that for many of us, there *is* something innate, something fundamental, something deeply a part of our identity that tells us we identify as men or women. This goes beyond styles of dress or career goals. We identify strongly with others from our self-identified group, we feel cheated and shunned that we are not allowed to participate in their exclusive activities, sometimes we feel like cowards, deserters, or cheaters ourselves if we are not forced to share the same burdens or hardships. Often, a desire to dress and act like others in our identified gender is an effect rather than a cause, a desire for acceptance as who we know we are from those around us.

If we assume for the moment that most people are cisgendered, then I would posit all these people may have the same deep-seeded identity, but have never been forced to analyze it. Only when your identity is denied to you are you truly forced to go searching for it, the level of self-reflection that brings most transgendered people to their gender identity is something which the vast majority of cisgendered individuals have never been forced to engage in. *We know* that we have genders. This *is* a

2 Individuals who identify as having no gender at all are also often considered to be “transgendered.” However, since the concept of non-gender meshes perfectly well with the genderless ideal, and as the term “transsexual” can be confused as referring specifically to medical or surgical procedures rather than self-identity, I am left with no better word. For the sake of this document, a transgendered individual will be considered a (self-identified) gendered individual whose self-identified gender does not match the gender which they were assigned at birth.

As to the controversy over whether to refer to individuals as “transgender” or as “transgendered,” I prefer the later. I am not my gender, I *have* a gender, and being trans is a *trait* of mine. However, I am a **person** and find it disrespectful to be referred to as “a transgender” because that marginalizes every other aspect of my identity and over-emphasizes the dissonance between my identity and my body rather than my identity as a human being.

part of the human experience. It is entirely possible that it is not universal. In fact, it is definitely true that many people, even upon a great deal of self-reflection do not identify with any gender. But we *do*. The differing experiences of others does not invalidate our own.

We are a piece of the human experience which is not and cannot be described by the current conceptualization of gender as a social construction. Gender as a social construction is a poorly substantiated theory postulated along a narrow basis for understanding the specific experiences of specific individuals (ie: cisgendered women). The fact that our experiences do not fit the theory is not an indication that our experiences are incorrect or fundamentally un-feminist, it is an indication that the theory itself is incomplete.

3. Bodies and Sexuality

The need to revise our conceptualization of gender as a social construction manifests itself in other ways as well. I will visit two of them in this section.

The first is bodily identification. The original concept of gender as a social construction postulates that people are born with either male or female bodies, and that this determines the way in which they are raised by society, and thus the gender they come to follow. However, even the assumption of male and female bodies is an oversimplification. Some people are born intersexed, falling into neither category. Others are born with an ambiguous sexual organs and surgically assigned a sex which more closely meets societal norms³. Furthermore, a wide variety of chromosomal combinations are possible in humans beyond simply XX and XY⁴, and diverse combinations of chromosomal configuration, body and genital shape, and reproductive capacity is possible in humans.

Thus even the idea of “male” and “female” bodies is inadequate if what we seek is a comprehensive and accurate theory of sex and gender. It is my contention that to tell an individual that their body is distinctly “male” or “female” is no less oppressive than to tell that same individual what their identity or societal role ought to be. All bodies, like all individuals, are unique and have the potential to be interpreted in unique and surprising ways above and beyond first impressions. It is, or ought to be, ultimately the prerogative of every individual to interpret their own body, not the prerogative of society to interpret it for them.

The second way in which this model manifests its own weakness is in our understanding of human sexuality. Many people identify as either strongly heterosexual or strongly homosexual, feminists of the social construction camp included. Current feminist and humanist interpretation of human sexuality would lead us to believe that people ought to be able to express their own sexualities however they see fit, and that heterosexuality, homosexuality, bisexuality, pansexuality and all other sexualities are natural expressions of our own diversity.

However, this represents a contradiction. One cannot in one breath declare that men and women do not exist, that the categories are in and of themselves meaningless, that the goal of society should be the abolishment of all such distinctions; and then in the next declare that she is only attracted to men (or women, for that matter). Men, by social construction theory, do not exist. There are only people. If there is no such thing as men (or women), how can one be specifically attracted (or not) to them? Thus

3 The article ““Ambiguous Sex”--or Ambivalent Medicine?” by Alice Domurat Dreger has more on this topic, and also provides fascinating insight into the possibility of innate gender identities.
http://www.isna.org/articles/ambivalent_medicine

4 See Turner Syndrome, Klinefelter syndrome, and Swyer Syndrome, among others.

a fundamental step in establishing a genderless world ought to be for everyone to become pansexual. However, because this goal is inconvenient and does not line up with the associated push for freedom of sexual expression, this sentiment is rarely pursued or even postulated. This could be summed up to weakness of character or simply human limitation on the part of feminists, and does not necessarily represent a fundamental flaw in the social construction theory itself.

My purpose in bringing this up was not to besmirch the character of proponents of social construction theory, but rather to illustrate that the theory is in contradiction to our current understanding of sexuality, and that if we wish to maintain it in its current form our ideas about freedom of sexual expression will have to be discarded along with gender expression. I do not propose this. Quite the opposite, I merely wish to point out the flaws in our understanding of gender by placing them in context with what I believe to be our somewhat more mature understanding of sexuality. If it is not un-feminist to be gay (or straight) then it cannot be un-feminist to be transgendered. Both present the same contradiction to the social-construction theory, which only reinforces the idea that perhaps the theory itself is inaccurate or at least insufficient.

4. The Hypocrisies of Feminist Criticisms of Transgendered Identification

There are, as I see it, two major, fundamental Hypocrisies with the feminist criticism of trans identification on the basis of an ideal and genderless world. The first of these is the treatment of the trans person's body.

One of the fundamental messages of feminism has always been the dismantling of narrow or coercive physical standards and stereotypes. For example, a woman with small breasts or even an entirely flat chest should not, within a feminist context, be criticized or asked to try to make herself look more “feminine” (through breast enlargements, padded clothing, etc) if she has no personal desire to do so. The same would be true of a woman who had more-than expected body hair and/or chose not to shave, or of women whose bodily figures did not line up with stereotypical images (ie: too tall, too “boxy,” too much body fat, too little body fat, etc). Women should not be pressured into maintaining identical or picturesque genitals either, one can find beauty and femininity in their own body without having to conform to our narrow stereotypical standards.

That is, of course, *except for trans people*. Once a doctor has declared (usually at your birth, before you are able to defend yourself, or even know anything about your own identity) that your genitals deviate too far from feminine standards and writes an “M” on your birth certificate, you are intrinsically and inescapably male, with no power to come to terms with your own body from your own standpoint, or to self-identify or discover your own femininity and beauty while deciding for yourself which role to play in society through the course of your life. The same is often true in reverse for trans men. Once a doctor writes down an “F” your body is never manly enough to “count,” you are, by decree and without your consent and even over your own objections, female for better or worse. To reinforce this is to reinforce *the same coercive gender binary which the feminist is seeking to dismantle!*

This ties very nicely into the second major hypocrisy, which is that of criticizing trans people for identifying with a gender at all. This is hypocritical in many ways. For one thing, a world which accepts a transgendered identity as perfectly natural is also a world in which people can freely move between societal roles at all levels (ie: social and not just professional) according to their own desires and identities at least from the perspective of gender, rather than having gender coercively assigned. To insist that trans women are *actually* men (or that trans men are *actually* women) simply because society

has officially declared it to be so favors existing societal and authoritative structures over individual freedoms. Forcing these labels onto others is what reinforces our traditional gender ideas, not standing up for individual identity even *in spite of* a lack of societal approval. Reinforcing these labels and classifications at the expense of personal identity by insisting on coercively assigning a gender to trans people over their own objections cannot *possibly* be moving us towards a freer world, and certainly not towards a world without gender.

Compare this to the world described above, in which people can *choose*, or at least individually declare, their own gender along with the social circles they feel most comfortable within. By disregarding the identities of trans people and buying-in to scare tactics and stereotypes, we are continuing to teach even liberal activists and academics to fear and exclude people (from “safe spaces” such as bathrooms or women's conferences, for instance) on the basis of the shape of their genitals. Surely, this is *not* an effect which contributes to breaking down the destructive, bigoted, coercive, and isolating effects which gender has traditionally had on society.

Another way in which the objection to trans identities on the basis that it reinforces ideas of inherent gender is that this argument is brought to bear almost *exclusively* against trans people. In other words, while a trans woman might be criticized (as I definitely have been) for identifying as a woman because to identify with a gender at all is considered sexist, a cis woman is *far* less likely to be criticized for the same reason. After all, by identifying as a woman a cis woman is both reinforcing the *idea* of women and is not breaking down any existing social structures in the process. Yet, it is considered by most (feminists included) to be only natural that she should. Why? Because society has declared her as such? To accept that label can only empower the system which created it, particularly when the assignment goes unchallenged. I have already pointed out that among liberal and feminists circles people are also not generally criticized for their sexuality, which by our current definition *necessarily* involves categorizing potential mates as either men or women.

Furthermore, I would propose that *anyone* identifying as a “feminist,” or for that matter anyone who has taken classes or read books on “women's studies” and believes that such classes should continue to be taught will never make significant progress towards dismantling gender altogether. This is not necessarily a bad thing, as I believe that the continuation of gender as a voluntary practice is perfectly healthy, and that recognizing and studying the effects of coercive gendering in today's society and in the past also has value, but let me clarify what I mean just the same; particularly since many feminists or women's studies majors *do* believe in dismantling gender and thus my statement deserves some justification.

My remark about feminists and women's studies majors was not intended as a character judgment, or a criticism of the resolve or intelligence of either group. Rather, I believe there is an inherent contradiction. Namely, feminism is a movement aimed at improving the station of women. Women's Studies also focuses on women. What's wrong with focusing on women? Nothing, if we accept that women are in fact a distinct groups which can be discreetly separated from men. This assumption, which is the very basis for the gender binary, is necessarily implicit to “feminism.” In a genderless world, this assumption could not exist. Without this assumption, feminism cannot exist, nor can “women's studies” in the traditional sense. And yet, we are criticized for “reinforcing the gender binary” when we intentionally step outside its boundaries and declare that we are not playing by society's rules any longer? That we are not satisfied with the gender we have been assigned and demand to be recognized for who we know ourselves to be? Yes, the idea of gender is implicit to being a trans person; if I did not believe in “women,” then I could not possibly declare myself to be one. However, nobody identifying as a woman, or as a man, or as a feminist, or even as being attracted

exclusively to either men or women can justifiably criticize me for this, because the idea of gender is implicit in their own identities as well.

5. Guidelines for Fair Treatment of Transgendered Identity

It is fundamentally impossible to truly know the experiences of another person. Thus if a person tells you that they feel their gender to be fundamentally, innately a part of them, whatever that gender may be, it is fundamentally unjustified to deny this experience. And what is gender, if not an experience? It may shape the way we see our world, the ways in which we connect and identify with others, things which can be truly known only by ourselves. Nobody can tell you what you do or do not feel, what you do or do not connect with.

I have been told by other women in the past that I cannot justly consider myself to be a “real” woman either because I was not “raised as a girl” or because if I choose to “remain in the closet” by pretending to be a man I can sidestep many of the dangers and discriminations other women have to face. Quite frankly, both these arguments are ridiculous. No two girls had quite the same childhood. My upbringing was unique for a girl, it's true. And in this, I am like everyone else. Nor can gender be summed up to social privilege. If it could, how can American women look at women from many other parts of the world in the eyes and claim to be women themselves, when by being born in America (or a similarly comparatively liberal country) *they* have avoided so many of the dangers and discriminations faced in other parts of the world? Being trans, I have had to face dangers and degradations which most cis women have not. This does not invalidate them, it is all part of the unique human experience, in which every individual faces different challenges.

Gender is simply not an experience which can be defined simply, not by a specific type of body or set of behaviors or societal treatment. Gender, like sexuality, is something which each individual must determine for themselves, not something which others have the right to impose on you. Evidence must always supersede theory; people's experiences cannot be dismissed or theorized away when they are inconvenient. Many people on the planet today are experiencing something which the social construction of gender does not account for; please, do not disregard us for it.

Any complete theory of gender *must* include those whose gender identities are not what would have been expected at birth, those who violate our common-sense ideas about gender and identity. Our experiences and identities are not invalid simply because they are uncommon. Nor can trans concerns be brushed aside or indefinitely delayed for the “greater good” or the “noble cause” of feminism more broadly. This is another argument I have heard, that we the transgendered community are too small to be worth helping, that our attempts to give ourselves a voice and make a place for ourselves in society is “interfering” with feminists goals by confusing people about what gender “really” is. This is unacceptable. No cause is so noble that it justifies the stamping out or silencing of other worthy causes on the simple basis of numerical superiority. Our concerns are relevant, our concerns are pertinent to any discussion of gender, identity, or normative constraints in society. Our concerns can help feminism and the world to reach a fuller understanding of human gender and oppression. Please, do not brush us aside.