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Review of Holly Lawford-Smith's "Sexual Orientation and Gender Identity Conversion Therapy: Or, Who put the 'GI' in 'SOGI'?"

Justin Kalef, Rutgers University, USA. E-mail: jkalef@philosophy.rutgers.edu

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Holly Lawford-Smith's article discusses the recent practice of including gender identity along with sexual orientation in legislation, policies, and recommendations against conversion therapy. Lawford-Smith, as I read her, grants that there is ample evidence showing that attempts to convert gay, lesbian or bisexual people into heterosexuals are unlikely to succeed and are instead apt to cause needless distress. Sexual orientations appear to be permanent and stubborn features, and attempts to alter them are apt to be both futile and inhumane. But are the same things true of gender identities?

The umbrella term 'LGBTQIA+', and variations thereof, lump together those with less common sexual orientations and those with less common gender identities. But the effectiveness of the resulting alliance in advocating for social change has no bearing on whether gender identities tend to be as permanent as sexual orientations, or whether a child's claim to have a given gender identity should be given the same weight as another child's claim to have a certain sexual orientation. Indeed, even if childhood announcements of gender identity were to turn out to be reliable indicators of lifelong tendencies, the fact that common modes of therapy for transgender and nonbinary patients involve irreversible medical or surgical procedures seems to provide stronger grounds for caution than would be warranted in the case of sexual orientation, given the ease with which gay, lesbian or bisexual minors could switch to heterosexual relationships should they have a change of heart. This underscores the importance of Lawford-Smith's question: if there are no good grounds for predicting that transgender or non-binary identities are as stable as sexual orientations, then the restrictions under discussion in her article may harmfully prevent well-intended and ultimately helpful guidance from doctors, therapists, educators, or even parents. As Lawford-Smith says, "Depending on the exact form of the legislation, it can put third parties – including the parents of children who claim minority/atypical gender identities – at risk of fines, jail time, and potentially even the loss of custody of their children."

Lawford-Smith surveys a number of prominent summaries of the peer-reviewed literature, finding those summaries not only lacking in evidential support but also guilty of some rather

crude fallacies. For instance, the Tasmanian Law Reform Institute's Issues Paper No. 31 apparently commits the fallacy of appeal to ignorance in warning that there is "no convincing evidence" that 'conversion therapy' is effective at altering gender identity, whereas the fact of the matter (Lawford-Smith argues) is that there is very little empirical evidence pointing in either direction. Elsewhere, Lawford-Smith points out, evidence that sexual orientation tends to be immutable is taken as evidence for gender identity being immutable by the following reasoning:

1. There is good evidence that sexual orientation is immutable.
2. Any evidence that sexual orientation is immutable is also evidence that the complex property [sexual orientation and/or gender identity] is immutable.
3. If [sexual orientation and/or gender identity] is immutable, then, by conjunction elimination, gender identity is immutable.
4. Therefore, gender identity is immutable.

The fallacy here should be obvious: by this same reasoning, it would follow from the premise that sexual orientation is immutable that the desire to be an orthodontist is similarly immutable. One cannot move from evidence that A has property P to the conclusion that B has property P merely by arbitrarily creating a double concept that yokes together A and B like this.

Though my academic background does not qualify me to judge whether 'conversion therapy' is apt to be effective or warranted in the case of self-reported alternative gender identities, Lawford-Smith prudently avoids taking a stance on that issue here, limiting herself to a criticism of the seemingly careless extrapolations made by several organizations from the available evidence. This criticism seems fair and accurate. In what remains of this review, I would like to turn to a related question that Lawford-Smith does not discuss in her article: why is there so little evidence on the stability of gender identity? My answer is that there seem to be some difficulties in the 'gender identity' concept itself that make it difficult to be clear what users of that term are even meant to be talking or thinking about, and that this presents problems for any serious research on the subject. These problems would not appear if one were to ask instead whether, say, the desire to alter one's body to be more stereotypically masculine or feminine, or to dress in a way that is normally associated with this or that sex, or to be referred to by a certain pronoun, tend to be resilient. All those things are properly empirical questions, and investigating them could presumably shed useful light on the best way to treat minors who report these desires. But the 'gender identity' concept has problems that none of these more empirical concepts share.

The ambiguities of the term 'gender' will be apparent to many, as the meaning of that term is commonly understood to have shifted a great deal over the past century. What I hope to draw attention to here is a set of problems associated with the other half of the 'gender identity' term: the word 'identity'. While I have not yet found any other critical examination of the contemporary use of this word, from philosophers or anyone else, I hold that (as I will argue here) this contemporary concept is a confused muddle. Moreover, the conceptual muddle makes any attempt to empirically assess matters of 'gender identity', or any other kind of 'identity', begin doubly inauspiciously, as the central thing to be investigated is the conjunction of two different unclear ideas, and heir to the ambiguities of both.

The clarity of 'sexual orientation': a point of contrast to 'gender identity'

Lest I be accused of raising trifling philosophical quibbles here that could be raised just as well

against any other concept, I set out here how comparatively clear and straightforwardly applicable the concept 'sexual orientation' is.

First, 'sexual orientation' is conceptually clear. One's sexual orientation may be (at least) homosexual, heterosexual, or bisexual. A male who finds himself sexually and romantically attracted to females only is thereby heterosexual; if he were attracted instead to males only, he would be homosexual; if to people of both sexes indifferently, he would be bisexual. While it is possible that some people's tendencies might not fit neatly into these categories, and while people's preferences may in theory change or be difficult to discern, there is no doubt about what it **means** to be homosexual.

Second, because of this clarity, it is possible for most people to **know** what their sexual orientation is. They merely need to know whether they are male or female, and know whether the people they find themselves attracted to are male or female.

Third, it is not necessary for third parties to put blind faith in subjects' ability to understand the sexual orientation categories and apply them to themselves. If I have reliable visual evidence that Laura and her lovers are all female, and if the people she says she longs for are also female, then I do not need to blindly take her word for it that she is a lesbian: I have corroborating evidence that she has understood the concept and has applied it to herself correctly. This possibility for third-party confirmation seems particularly important in any empirical research on the subject, especially when (as I will suggest is true for 'gender identity') there is good prima facie grounds for doubt about whether people are operating on a common understanding of the concept.

The first source of problems for 'gender identity': the unclear 'gender' concept

The term 'gender', originally borrowed from its technical use in grammar to serve as a conveniently polite synonym for 'sex', took on a new meaning a few decades ago. The Merriam-Webster Online Dictionary gives the following as definition 2b of 'gender': "*the behavioral, cultural, or psychological traits typically associated with one sex*." However, Merriam-Webster also gives, as definition 2c, "GENDER IDENTITY." It defines this as "a person's internal sense of being male, female, some combination of male and female, or neither male nor female."

If subjects are asked what their gender is, how should their answers be interpreted? Unlike the case of a subject reporting that he is gay, in the 'gender identity' case there does not seem to be any clear way of checking whether a self-report of being one gender or another is correct, or even good reason to think that different experimenters will agree on what, if anything, such a question is asking. Even if the subjects are told that gender may not be identical with sex but is meant instead to be an "internal sense" of being male, female, or some combination of the two, or neither, it may be difficult for such subjects to know what is being asked. Since what is being requested is an *internal sense*, it is difficult to understand whether this sense is informed by one's sex, or by the behavior, cultural, or psychological traits typically associated with that sex, or by something else that may be more difficult for even the subject to understand or verify.

The difficulties involved in teasing these strands apart can be seen in a little thought experiment of mine that I hereby call '*A Boy Named Sue*'. Imagine that a biological male, named 'Sue', is raised in an experimental environment (within our broader society) in which the social norms our culture associates with the sexes are entirely reversed. Boys in this environment are raised to believe that men wear lipstick and eye shadow, walk around in high heels and flower-print

dresses, and so on. Sue comes to feel more and more strongly that he must be very feminine, since he prefers to act, dress and talk just as the most macho men in our society actually do. Should we count Sue as *transgender*? On the one hand, he may come to see his inner nature as being female, given the incorrect information he's been given of his society. But it seems strange to call Sue a trans woman on the basis of the deceptive impression he has been given of his culture's expectations: after all, he is a male whose behavioral tendencies are just what our society holds as normal for males. But if we say that Sue is mistaken when he claims to have a feminine inner nature, then we must admit that this 'gender identity' definition of 'gender' may be in error if, among other possibilities, it is formed under an incorrect belief about one's culture. But in that case, it becomes less clear why one should trust that this so-called 'internal sense' is a reliable form of introspection into one's innate essence, free from social conditioning.

But the lack of clarity in the 'gender' concept is only part of the problem. The waters get murkier still when one includes the second word in the phrase: *identity*.

The second source of problems for 'gender identity': the unclear 'identity' concept

To say that A is identical with B is, strictly speaking, to say that A and B are the very same thing. The property of identity is transitive: Since George Washington was the first President of the United States, it follows that anyone who is identical with the first President of the United States must also be ('be identical with', 'have as an identity') George Washington.

Webster's Ninth New Collegiate Dictionary (1991) defines the noun 'identity' as

> **1** a. sameness of essential or generic character in different instances
>
> b. Sameness in all that constitutes the objective reality of a thing: ONENESS.
>
> **2** a. The distinguishing character or personality of an individual: INDIVIDUALITY.
>
> b. The relation established by psychological identification.
>
> **3**. The condition of being the same with something described or asserted (*establish the identity of stolen goods*).

It defines the verb 'identify' as "*to conceive as united (as in spirit, outlook, or principle)… to establish the identity of… to practice psychological identification ([e.g.] with the hero of a novel)*."

An act of identification requires, at least, three entities (though they need not be distinct): a subject who does the identifying, and two things that the subject holds or posits to be identical with each other. For instance, Smith may identify Jones as the person who stole a certain diamond. The same person can act as both the subject and one of the two identical (or supposedly identical) entities. For instance, I might identify *myself* to my students as the instructor of the course they are taking.

One of the most elementary distinctions in philosophy is between substances and properties. A substance may have all sorts of properties, but it is not itself a property. I am Canadian, male, over six feet tall, less than a hundred years old, and a professional philosopher. But none of those things is *an identity of mine*. They are all merely *properties* that I have. I cannot be any of those properties, since each of those properties can (and in fact, does) apply to many other people. To

call a property an identity is to commit a conceptual confusion.

Somehow, the basic understandings of the word 'identity' and 'identify' have become not only altered but garbled over the space of a few decades. The Merriam-Webster Online Dictionary now adds a new definition for 'identify' (as an intransitive verb): "to have or assert an identity of a specified kind." It gives this sentence as an example: "Of the high school students who participated, 77% identified as female, 20% identified as male, 2% identified as nonbinary…"

What these 77% of students in this sentence did was to *claim to be* female – in other words, they claimed to *have the property* of being female, or to *belong to the category* of female persons. The claim being made is not that the students and the property of being female were identical or that they represented themselves as identical with the property, but rather that those students believed or claimed that they could be correctly described as female. Again, no one can be identical with a property.

Unfortunately, the American Psychiatric Association's dictionary gives a definition of 'identity' that makes the confusion even worse:

> **Identity** n.
>
> *1. an individual's sense of self defined by (a) a set of physical, psychological, and interpersonal characteristics that is not wholly shared with any other person and (b) a range of affiliations (e.g., ethnicity) and social roles. Identity involves a sense of continuity, or the feeling that one is the same person today that one was yesterday or last year (despite physical or other changes). Such a sense is derived from one's body sensations; one's body image; and the feeling that one's memories, goals, values, expectations, and beliefs belong to the self. Also called personal identity.*

This definition of the term worsens the confusion by adding in a further ambiguity: *is one's 'identity', as defined here, an objective matter? Or a subjective one?* That is, is it possible for people to make sincere but *erroneous* identity claims about themselves?

On the one hand, the APA definition stresses that identity is a sense of self. But it also seems to ground that sense in objective matters: the "set of physical, psychological, and interpersonal characteristics that is not wholly shared with any other person," etc. If I falsely believe that I have characteristics that I do not, and my sense of self is based on these erroneous beliefs, then is that sense of self still my *identity*? For instance, if I consider myself to be identical with Julius Caesar, does it follow that I really am identical with him? If the APA Dictionary's intended answer to this question is yes, then it seems to be advocating a form of radical subjectivism that would seem to make the treatment of most psychiatric conditions impossible. On the other hand, perhaps 'identity' here is merely meant to reflect one of the definitions Merriam-Webster gives of 'identify': "*to practice psychological identification ([e.g.] with the hero of a novel).*" While a patient who believes he is Julius Caesar is not thereby Caesar, he nonetheless *sees himself* as identical with Caesar, and perhaps that is all that is being discussed here. Unfortunately, the definition is not clear on this most important point.

The trouble is that this leaves open whether 'identity' refers to reality or delusion in any given case. This dual meaning of the term 'identity', already unclear for independent reasons, may help explain how discussions of gender 'identity' may at the same time seem to demand the automatic

acceptance of a subject's self-reported characteristics (if 'identity' is subjective, then the subject cannot be in error about it) and at the same time be trusted as an objective, empirically correct judgment of a set of immutable traits. Such a careless definition of 'identity' is a conceptual accident waiting to happen.

Conclusion

Holly Lawford-Smith has provided an insightful and much-needed analysis of some insufficiently careful discussions about so-called 'conversion therapy'. I refrain from commenting here on the merits of such therapy or other interventions for children with gender dysphoria. Instead of addressing those empirical questions, I have limited my discussion to a conceptual analysis of the term 'gender identity'. I have concluded that, unlike the term 'sexual orientation', the term 'gender identity' is so fraught with ambiguities and other conceptual problems that most research or treatment that depends on anyone's clear understanding of the 'gender identity' term seems unlikely to succeed. To avoid these problems, I suggest (somewhat along the lines of Lawford-Smith's objection) that the term 'gender identity' in these cases ought to be replaced with easily verifiable terms, such as a desire for typically female sex organs, a wish to be called by the pronouns 'they' and 'them', and so on. Such a change would make it much easier to establish whether or not such desires are immutable.