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Context matters

How the categories dominant context and resistant context help theorizing gender

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1. Introduction

In some works concerning gender, it is advocated that one should discern how gender is lived by most in one society and how certain groups, namely trans communities, live gender. The first one I will call a dominant, the second one a resistant context. I will defend the claim that the distinction between dominant and resistant contexts[1], as used by Robin Dembroff and Talia Mae Bettcher, is a helpful distinction for analyzing gender.[2] I will further elaborate on this distinction in 2.2. In dominant western contexts, gender is understood as being binary. The only available genders are *woman* and *man*.[3] The dominant context is existent in day-to-day situations, for example at public toilets and presumed or assigned gender by governments, schools, employers, and passers-by. Resistant contexts for example are trans communities. In these communities it is common, as Talia Mae Bettcher shows, that the person in question has authority about their gender. The person in question can stipulate which gender they are, and everyone else in this community will unconditionally accept this gender assignment. They have First-Person Authority (FPA) (3.2). Using Dembroff's theory, we will be able to say that being consciously different than the dominant context one finds themselves in and resisting it are key components of resistant contexts (3.1). I will view these two components as necessary, though not exhaustive conditions for resistant contexts. On the basis of my analysis of social contexts done in the second chapter, I will claim that FPA and resisting dominant gender ideology are primary properties of resistant contexts.

It is my goal to show that even thinkers who did not place much emphasis on theorizing nonbinary identities can be better understood by using this distinction. The philosophers in question are Ásta and Katherine Jenkins. I will argue that they analyze gender from the perspective of dominant contexts. I will do this by showing that some aspects of their theory cannot be understood when

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[1] These terms will be understood as western dominant contexts and western resistant contexts. The examples given will be primarily from the US or UK.
[2] Cf. Dembroff, Robin. Beyond Binary, p.3;
Cf. Bettcher, Talia Mae: Trans Identities and First-Person Authority.
[3] I will italicize genders, that are applicable to a single person, while using normal font for umbrella terms. I will not change citations in this way.

thinking about resistant contexts and that they cannot explain resistant contexts well enough.

Before embarking on the analysis of Jenkins' and Ásta's theory, two sets of questions need to be answered: How do we differentiate between different gender identities? And: What do social context, dominant context and resistant context mean? These questions will be answered in chapter 2. I will not structure my thesis around theorizing nonbinary identities as the center, but rather use them as a reference point for dominant and resistant contexts. In my view, nonbinary identities are at odds with dominant western contexts, but they are a vital part of resistant contexts. They are at odds with dominant western context because they do not fit into the binary that is fundamental to dominant western gender ideology. As such, they are a helpful set of identities when it comes to distinguishing between theorizing from the perspective of dominant and from the perspective of resistant contexts. In this chapter, I will introduce the terms trans, cis, nonbinary, *genderqueer* and *agender* and will explain how they relate to one another. Furthermore, I will explain my understanding of social contexts that have a hard core and a belt, and I will explain how this analysis translates to dominant and resistant contexts in 2.2 and will explain it more detailed in 3.3.

Having explained Jenkins' theory about gender in chapter 4, I will argue in chapter 5 that some of Jenkins' statements can only be understood when thinking about gender from the perspective of dominant contexts. I will propose that Jenkins' explanations of nonbinary identities fail to capture dual identities and the wish for independency of the binary system.

Ásta's theory about the construction of social categories like gender rests on the idea that these social categories are conferred upon somebody by some authority or some person or group with standing. While I think this is an accurate description of gender in a dominant context, the idea of conferred gender is at odds with the FPA of gender in resistant contexts. How should I understand the conferral of gender if I am the authority? Is it not a social category anymore? And how should we understand this conferral? Do I confer this gender to myself or does the group confer this gender to me, after I told them to do so? I will further investigate this topic in chapters 6 and 7.

I will discuss the theories of Ásta and Katherine Jenkins. I cannot present their whole theories in this thesis. Their theories will only be described in outlines. I will engage with both of them in three steps: Firstly, I will present the context from which their theories developed. On which other thinkers did they base their arguing, what was the goal of their inquiry? Secondly, I will outline their theory in a manner that is both truthful to their theory and helpful to my thesis. At last, I will point out why their theories are not capable of theorizing resistant contexts.

I will then defend my hypothesis, that dominant and resistant context are categories which are useful in theorizing gender (8.). To defend this claim, I will combine the pieces of theory we gathered from these four authors, when looking at their theories either from the perspective of dominant context or from the perspective of resistant context. I will argue that this distinction prevents a normalization process of dominant context. Also, I argue that we can understand these theories better this way and in turn, theorists that understand their project to be a contextualistic one can describe their theories much more precisely with this distinction. Furthermore, I will argue that the contextualist approaches of Jenkins and Ásta lack a clear definition of the term context, and thus fail to properly explain social contexts.

In the end, I will conclude my thesis by recapping my analysis and giving an outlook as to which other categories might be helpful when analyzing gender (9.). I will show that in the future, my framework would need an answer to different questions: Firstly, I would need to explain how Intersectionality can be understood within my framework. Secondly, I would need to develop a stance concerning the discussion from which standpoint feminist theory should theorize: either from dominant contexts or from resistant contexts. At last, I would need to theorize the terms context and social context in more detail.

2. Terminology

In this chapter, I will explain the terms I use during this thesis.

2.1. Differentiating between *agender*, nonbinary, trans and *genderqueer* identities

How do we understand different gender identities? Where do they fit in, which relation do they bear to one another? It will be necessary to answer these questions in order to understand the examples given in this inquiry. At first, we need to look at the distinction between cis and trans.

Being cis means that the person in question identifies with the gender that was assigned to them at birth.[4] Correspondingly, trans means that the person does not identify with the gender assigned to them at birth.[5] Both cis and trans are umbrella terms in the sense that they subsume different gender identities under one term. In a western context, the genders that will be assigned to someone at birth are either *woman* or *man*. Those two genders constitute the binary. Now someone would be trans if they were assigned the gender *woman* at birth but later came to identify as a *man*. This person would be called a *trans man*. Correspondingly, someone is called a *trans woman* if they were assigned the gender *man* at birth, but later identified as a *woman*. *Trans woman* and *trans man* are both sub-categories of the term trans.

Besides *trans man* and *trans woman*, nonbinary is the third term subsumed under the term trans. This umbrella term nonbinary captures all the gender identities that do not fit into the binary of *woman* and *man*. Nonbinary identities are for example *agender* (having no gender identity), *genderfluid* (moving between genders) and *genderqueer* (existentially resisting the idea of binary genders).[6] The term *genderqueer* itself has been used as an umbrella term that could replace nonbinary in the sense as I use it here.[7] I will not take any stance on that matter. I use nonbinary as the umbrella term, because it captures the meaning I

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[4] Cf. Jenkins, Katherine: Toward an account of gender identity, p.713.
[5] Cf. ibid.
[6] Cf. ibid., p.722;
Cf. Dembroff, Robin. Beyond Binary.
[7] Cf. ibid.

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want to use it for and using *genderqueer* on the one hand as the umbrella term and on the other hand when analyzing Robin Dembroff's approach as one feature of resistant contexts would at best be confusing.

2.2. Differentiating between dominant and resistant contexts

To define dominant and resistant contexts, we must first have a definition of social contexts. What defines a context and what makes it a social one? Unfortunately, none of the theorists I will work with in this thesis provides instructive definitions, although all four of them, Dembroff, Bettcher, Jenkins and Ásta, are contextualists when it comes to theorizing gender. The best explanation I could get from these four authors was the one by Ásta: "What is a context for our purposes here? Intuitively speaking, the context is the situation framing the encounter that gives meaning to the acts performed and enables the performing of those acts."[8] I agree with Ásta on the notion of context, but I will need a better definition. So, in the upcoming section, I will introduce my understanding of social contexts. When we start by defining the word context, the general idea is that a context has some set of parameters, that make a certain context recognizable, and another set of fluid parameters that can be changed over time, and it still remains the same context if those change. A context has to have a recognizable impact on someone's behavior in that context, their goals, emotions and their way of thinking. When it comes to understanding social contexts, I understand them consisting of a hard core or primary properties, and a belt around it or secondary properties, and I was inspired by Imre Lakatos' theory, who used this methodology in explaining how scientific projects work.[9] This means that there are properties, the primary ones, that are essential to this context. Without them, the context would behave and function noticeably different and would be a different context. The secondary properties are those originating from these primary properties, they are their logical continuation. What makes the context a social context in my view, is that it depends on people behaving towards the context in a particular way, giving existence to context. People need to take part in

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[8] Ásta: Categories we live by, p.23.
[9] Musgrave, Alan and Pigden, Charles: Imre Lakatos. 3.4 "Falsification and the Methodology of Scientific Research Programmes" (1970).

this context, and at least a subset of them have to endorse the context for it to be functional. The legitimacy of contexts is in fact based on people, and they are the ones living it as well.

Let us flesh out this idea by way of an example: Supposing you belong to a soccer team, and supposing this team consists of 14 players and one coach. The coach decided on eleven players as starters, while the other three players are substitutes. You are one of the substitutes. The goal, that the coach sets for this team is to win the league you are competing in. I am visualizing a team of teen-agers here. The coach is a very strict and performance-oriented coach. The coach also does not feel that you are better than any of the eleven starters. If you are the twelfth best player or not, is besides the point. What matters is the judgement of the coach. Every time you play, the team is furious about your performance and does not like it. You are frustrated by yourself, play worse every single match and you do not want to be part of the team anymore. The coach is re-placed and the new coach has a different vision of the team. He is not focused on winning the league, and he is much more focused on letting everybody play. The concept of starters and substitutes is abandoned, and everyone gets an equal time on the field. Although you are still fumbling, the team laughs with you, you are having more fun, and you improve fast.

The example is great for understanding what social contexts are all about. We can see that the trainer has the authority to define the hard core of this con-text. The first trainer defines winning as the goal of this team, and people acted and, most importantly, felt accordingly. When we think about the hard core and the belt that were present when the first trainer was active, then the hard core would be playing to win, while the belt consisted of the assignments given to the players to win. Your assignment as a substitute was not a necessary condition in this context, you just had to convince the coach that you were good enough to be a starter. The second coach changed the core of this context, and thus changed your assignment and the behavior and feelings of everybody else. The secondary properties changed when the primary properties changed. I would suggest, that if the core is altered, it is a different context. The team plays with the same players, under the same name, but their behavior, understanding and feelings towards

each other and the context itself have changed drastically. The soccer team is a social context as it only exists because of our interaction with it. The players may resist or endorse a goal that was set by the coach for that context, but their interaction with that context make it social, their behavior and actions are altered by the context. It is worth noting that this example is an easy one because we have one person dictating the primary properties of this context. In different contexts there may be different ideas of how they decide what their primary properties are. Maybe everyone that is part of this context can vote for the contents. Political parties are an example, where the contents of their manifesto are voted for by their members.[10] Other contexts, as a circle of friends for example, never distinctly define their goals, and perhaps the people who are respected the most can determine the primary properties.

Now, it will not always be easy to distinguish between the core and the belt of a certain context. How many players need to leave the team for it being an entirely different context? When the trainer sets different expectations, is this a different context already? This is generally true to how social contexts act and how they are perceived. They can change in minute ways, and while one person might not recognize those changes, others might perceive the team as being a different team and a different environment altogether. The important distinction is that there are certain fundamental beliefs, goals, ideas that are part of the core of a context constituting this context, while other actions and systems, like the difference between starters and substitutes exist as a secondary property depending on the core. Most notably, we must think about the interaction of individuals with that context. I suggest that contexts are also helpful for understanding identities. I think that individuals hold different stakes in the values of different contexts. One may resist the goal of winning the league, another is not interested in this goal, yet for another it is their most important goal. Different social contexts and the stakes we have in these contexts can thus explain different relations of identities regarding these contexts. One player may want to become a kicker when they are an adult, and thus wants to improve as much as possible, and sees

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[10] You can also vote for different internal guidelines. I understand that this does not dictate every primary property of this context, but internal guidelines and manifestos define at least a piece of the context of political parties.

winning the league as proof of his growth towards his goal, whilst others have nearly zero stakes in winning the league. Context can shape identities, but identities are never solely determined by these contexts. How much weight you give this context in terms of your own identity is relevant as well. It is worth mentioning, that the primary properties under-determine the secondary properties. The performance-oriented coach for example can distinguish between starters and substitutes permanently, but he does not need to. If different methods seem more fitting for achieving the goals of the core, he will choose different methods.

We now have a theory about social contexts, so what are dominant and resistant contexts about? On my understanding they are umbrella terms capturing the idea that particular social contexts share a group similarity. The terms dominant context and resistant context will be understood in a western context. Most of the examples given here are from USA or UK and this thesis assumes that these examples and theories are applicable in any other western country like Germany, France and Iceland. This is already one of the group similarities mentioned: These countries named share a similar social structure, and thus their citizens behave similarly. It is obvious that there are many different dominant contexts and resistant contexts. The countries included into the term "western" have different cultures, with different languages and laws which drastically influence the way how gender can be lived and how it is viewed in society. Every one of them is its own dominant context and even subsumes other contexts. Yet, as I mentioned, this thesis will refer to their resemblances and group similarity. The similarities in living gender will be shown by Robin Dembroff in 3.1.

One of the aforementioned resemblances of dominant context is the binary gender system. It assumes that a certain anatomy of a person (sex) dictates what a person should do in a particular society, and what they are capable of (gender). This is what Dembroff calls the "natural attitude about gender"[11] One assumes that if one is female, one must be a *cis woman*, and if one is male, one must be a *cis man*. Two things are important here: Firstly, the natural attitude about gender

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[11] Cf. Dembroff, Robin: Escaping the natural attitude about gender.

implies that there are only two possible genders, namely *cis woman* and *cis man*. Thus, the natural attitude about gender is binary per definition. Also, being a *trans woman* and being a *trans man* is not thinkable with the natural attitude towards gender. As mentioned, your sex determines your gender in this binary gender system. The only way you could be trans in these contexts is when a doctor misjudged your physical properties, so if no other doctor agrees with their assertion, you could theoretically be understood as being trans. But this is a very limited way of understanding trans and is not addressing gender identity as a factor. In this example, it is irrelevant how the person understands themselves; it is only important how their physical properties are judged by a doctor. The broader extent of the natural attitude towards gender, namely dominant western ideology, will be displayed in 3.1. I understand dominant contexts as a grouping that indicates that all of these contexts have dominant gender ideology as a primary property. My analysis presupposes that dominant western ideology is the most prevalent form of thinking about gender in dominant western contexts. Therefore, dominant contexts are discriminatory against trans people. Prime examples of this are public toilets, which often only exist for *men* and *women* in the first place, so leaving nonbinary identities out, and often *trans women* and *trans men* are denied a safe restroom either through social pressure and discriminatory attacks at the restroom itself or through laws discriminating against trans people, making the toilets only usable for *cis women* and *cis men*.[12]

Resistant contexts on the other hand try to prevent discriminatory practices from happening in their own community. Trans communities define themselves as distinctly different than the dominant context they encounter.[13] As Talia Mae Bettcher points out, many communities do not assume your gender, as is done in dominant contexts, but let the person in question have authority about their gender.[14] Resistant contexts are thus always an answer to the dominant contexts they

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[12] Cf. Dembroff, Robin: Real Talk on the Metaphysics of Gender, p.21-50.
[13] I will use the term "resistant context" so it is coherent with the term "dominant context" and it can be used to analyze different countries or times. Also, as I will discuss in my section about Talia Mae Bettcher, it is her way of naming these terms as well. As I focus on dominant western context in the 21st century, the term resistant context and trans* communities will mean the same.
[14] Bettcher, Talia Mae: Trans Identities and First-Person Authority, p.98-120.

encounter and define themselves by a "better practice" when it comes to gender. I understand resistant contexts to have First-Person Authority and resisting dominant gender ideology as primary properties. This will be explained in the third chapter.

In this thesis, it will often seem as though I understand resistant and dominant context in a way, that leaves no room in between. It could look like everything is either a resistant or dominant context when considering a social category. This is not the way I try to use these categories. Sometimes it will be hard to label a context in such a way. It might be that a context does not accept that *women* should take care of children for the majority of the time but accept that *women* should cook. Where would that leave this context in terms of resisting stereotypes about *women*? I try to only look at cases that fit into these terms, but I do understand that this distinction does not fit to every social context.

I will distinguish between a context and the people being part of this context. This distinction is not that clear either, because what is the context "soccer team" without people belonging to that context and reinforcing it by playing soccer together. But it is important to distinguish between the social context and the people being part of the context, because everyone is part of several social contexts. The traits that define the context do not define the people being part of this context. And if we imagine a trans person living ruralized, with people enforcing a natural attitude about gender, we can say that there is a person, living in a dominant context concerning gender, that defies the understanding of gender in this context, and is thus a resistant person in a dominant context. People who act in dominant contexts can resist the ideology, but they will nevertheless move in a context that enforces believes about gender, that are not compatible with nonbinary genders.

3. Understanding resistant contexts

In this chapter, I will emphasize two key aspects of resistant contexts: Resisting dominant gender ideology with Dembroff's *genderqueer* (3.1) and First-Person Authority (3.2). I presuppose that those two aspects are necessary, but not ex-

haustive aspects of resistant contexts. I will then show how they can help me understand the distinction between dominant and resistant contexts (3.3).

3.1. Robin Dembroff's *genderqueer*

In their[15] article "Beyond Binary: *Genderqueer* as critical gender kind", Robin Dembroff tries to understand what *genderqueer* identities mean. A working definition of Dembroff is "those who identify outside of the binary"[16]. I will use the term nonbinary to capture this group, while using *genderqueer* for the theoretical framework Dembroff envisions. Dembroff argues that we need critical gender kinds as a new type of gender kinds to better understand *genderqueer* identities. In this section, I will look at Dembroff's argumentation against external and internal approaches to gender (3.1.1), then explain how Dembroff understands this new gender kind *genderqueer* in relation to dominant gender ideology (3.1.2).

3.1.1. Against external and internal approaches to gender

Dembroff groups the theories of Sally Haslanger, Charlotte Witt, Elizabeth Barnes and Ásta under the label "external approaches to gender". Dembroff argues that all their approaches understand the membership conditions to a certain gender to be external to the person. How one is perceived, which social role one has, how one is treated and other external factors are relevant to gender, from the perspective of these theories.[17] The most plausible way for Dembroff to understand *genderqueer* inside an external approach to gender is to look at the perceived relation of someone to gender norms and roles.[18] In this case, someone would be *genderqueer* if they are perceived to neither solely fit a masculine nor a feminine gender performance.[19] Dembroff's proposal for an externalist approach to *genderqueer* looks like this:

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[15] Dembroff's pronoun is they.
[16] Dembroff, Robin: Beyond Binary, p.1.
[17] Cf. ibid, p.5.
[18] Cf. ibid.
[19] Cf. ibid.

> ***Genderqueer* (externalist):** *Genderqueer* is the category of persons who either
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> (i) are reliably perceived as attempting to not exclusively adopt either a feminized or masculinized gender expression;
>
> or
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> (ii) cannot be reliably coded as having either a male or female body.[20]

They take offence at this definition because of various reasons. Firstly, most people who identify as *genderqueer* understand these externalist features as their expression of being *genderqueer*, and not being the defining factor.[21] Most *genderqueer* persons reject the idea that they are *genderqueer* through external features. The other counterargument is that this approach overextends and would extend to people who are not *genderqueer*: "Butch lesbians, queens, cross-dressing men and women, trans men and women who do not blend as cisgender, and the variety of men and women whose bodies and presentations are androgynous are but a few examples of this."[22]

Based on these counterarguments, Dembroff rejects an analysis of *genderqueer* solely based on external features and thus turns to internal approaches to gender. The theories of Jennifer McKitrick and Katherine Jenkins are subsumed under this label. Dembroff defines the commonality for those theories like this: "Gender identity, on these accounts, is internal, but it is based on internal ways of relating to societies' gender norms, structures, and interpretive guides."[23] I will focus on Dembroff's argumentation against Jenkins, because this will be helpful when looking at chapters 4 and 5. Dembroff looks at Jenkins' way to theorize *genderqueer* identities, which is defined like this: "someone is genderqueer iff they do not consider the norms socially associated with men, nor the norms socially associated with women, to be relevant to them."[24] They argue that this does not depict the reality of people with *genderqueer* identities, because many people who are *genderqueer* take, even if only out of necessity, some norms that are associated with men or *women* to be relevant to themselves. Some even describe themselves as nonbinary *women* or *men*, so have a double

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[20] Ibid., p.5.
[21] Cf. ibid., p.6.
[22] Ibid.
[23] Ibid., p.8.
[24] Ibid.

gender identity, out of various reasons.[25] Dembroff also argues that some people who are *genderqueer* are also *genderfluid*, which means that they sometimes take the norms of one gender, for example *man*, to apply to them, and sometimes they take the norms of another gender, for example *woman*, to apply to them, which automatically makes them taking norms associated with these genders to be relevant to themselves.[26]

Dembroff then proceeds and looks at dispositional approaches to *genderqueer* identities, which they find unfitting as well, because they trivialize being *genderqueer*. This approach is not relevant, so I will not explain it in detail. Dembroff concludes this section with the statement that neither external nor internal approaches alone are sufficient in explaining *genderqueer*.

3.1.2. *Genderqueer* and dominant gender ideology

They then propose *genderqueer* as a critical gender kind. This critical gender kind should not be understood "in terms of external or internal features of individuals, but rather in terms of features of a collective—in particular, features that combine both external (political) and internal (motivational) components."[27] Interesting in this bit is the shift from looking at individual to looking at collective features. Dembroff understands *genderqueer* as a critical gender kind. They define critical gender kinds in this fashion:

> **Critical Gender Kinds**: For a given kind X, X is a critical gender kind relative to a given society iff X's members collectively destabilize one or more core elements of the dominant gender ideology in that society.[28]

The important part of this definition is the relativity to dominant gender ideology in a particular society. *Genderqueer*, because it is understood as a critical gender kind, must resist a core element of dominant gender ideology. What this element is, in which manner it tries to resist and what the core elements of dominant gender ideology even are is left to be answered.

To understand in which manner *genderqueer* resists, Dembroff distinguishes between principled and existential destabilizing.[29] Principled destabilizing is de-

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[25] Cf. ibid., p.9.
[26] Cf. ibid.
[27] Ibid., p.12.
[28] Ibid.

stabilizing the dominant gender ideology with regards to one's political or social commitments.[30] One finds laws regarding trans people in their country discriminatory and protests, without being a person that is affected by these laws directly. They use gender neutral pronouns because they feel it is right. Existential destabilizing on the other hand is practiced exactly by the people that are affected and who are discriminated.[31] They use gender neutral pronouns to describe themselves and their identities. Dembroff understands *genderqueer* to be a form of existential destabilizing.[32] Members of *genderqueer* are people discriminated against by dominant gender ideology and they try to resist a certain element of dominant gender ideology. But what is dominant gender ideology?

Dembroff explains what dominant western ideology consists of: dominant western ideology consists of the binary axis, the biological axis, the teleological axis, and the hierarchical axis. The binary axis declares that *man* and *woman* are the only possible genders someone can have. The biological axis declares that every person has a biological sex that determines their gender, thus the gender assigned at birth is the right one and thus cis is more accurate than trans. Male people are *cis men*, female people are *cis women*. The teleological axis says that a specific gender has a set of features (sexual desire, how they ought to behave, family role) that are natural to this gender. And the hierarchical axis says that the features attributed to *men* are more valuable than those attributed to *women* (or other gender, when we look at this axis in isolation).[33] In contrast to critical gender kinds, non-critical gender kinds are those kinds that restabilize one or more of these axes.[34]

They understand *genderqueer* to existentially destabilize the binary axis.[35] This means that *genderqueer* consists of people that are discriminated against by the binary axis and that collectively try to destabilize or resist this axis, so they for example can express themselves in a better way. In Dembroff's understand-

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[29] Cf. ibid., p.13.
[30] Cf. ibid.
[31] Cf. ibid.
[32] Cf. ibid.
[33] Cf. ibid., p.16.
[34] Cf. ibid., p.14.
[35] Cf. ibid., p.16.

ing, *genderqueer* stands right between internal and external approaches.[36] *Genderqueer* is defined by its political stance and personal motivation, that must be expressed in resistance to the binary axis, to come to fruition. I think that Dembroff's approach is drastically different from the one's they describe, because it homes in on collective rather than individual actions. This will be helpful when I start explaining dominant and resistant contexts with the help of Dembroff's theory, because we share the focus on collective actions taken in a particular context, rather than looking at the individuals.

In my next section, I will look at Talia Mae Bettchers First-Person Authority (FPA). Dembroff's theory about *genderqueer* relies on FPA in a relevant manner because they take statements of people who identify as *genderqueer* to be relevant to how *genderqueer* should be theorized. Furthermore, FPA is a key feature of trans communities and an important piece of theory for understanding resistant contexts.

3.2. First-Person Authority by Talia Mae Bettcher

In her article "Trans Identities and First-Person Authority", Bettcher starts by explaining First-Person Authority (FPA) as a general philosophical concept, which she calls epistemic FPA.[37] Epistemic FPA says that for certain statements or avowals, the person making this statement is in an epistemically privileged situation. Bettcher says that statements like "I am in pain" or "I want to go home" are examples of epistemic FPA.[38] The idea of epistemic FPA is that one does not need to bring up more evidence to make this statement, that the person said it is evidence enough.[39] Bettcher however does not support an epistemic FPA about gender or other attitudes, because she believes that self-deception and denial and wishful thinking are too prevalent to speak of a valuable advantage for the First-Person in these questions.[40]

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[36] Cf. ibid., p.17.
[37] Cf. Bettcher, Talia Mae: Trans Identities and First-Person Authority, p.99.
[38] Cf. ibid., p.100.
[39] Cf. ibid.
[40] Cf. ibid.

Rather, one has ethical First-Person Authority in some cases. I am, via autonomy, responsible for my actions and give my statements weight, even if I am not in an epistemically privileged position.[41] One can be faulted for having irrational attitudes and one is responsible for their own attitudes.[42] Yet, the opposite is true as well: Others cannot decide what my attitudes are, or at least they would interfere in my autonomy and thus hurt my ethical FPA.[43] Consider the example given by Bettcher: In a scenario where you visit someone and act like you want to leave, it still would be odd for the person you are visiting to announce: "You want to go home now".[44] They can ask you, if you want to leave, or ask you if you could leave because they have to do other things, but to dictate your attitude seems at least odd. They are not in a position to explain what you want and what not. Furthermore, by stating themselves to be authority in case of one's attitudes, they violate one's autonomy. Everyone makes these claims and asserts their attitudes on their own, and takes responsibility for them. That is the idea of ethical FPA.

Because Bettcher also distinguishes between dominant and resistant contexts, I am going to investigate FPA in dominant and resistant contexts. In dominant contexts, so Bettcher, there is no FPA concerning gender. In dominant contexts, one's appearance should match with one's genitalia. If one wears cloths labelled feminine and acts in a feminine way, one ought to have a vagina, and if one clothes and acts masculine, one is ought to have a penis. In her article "Evil Deceivers and Make-Believers: On Transphobic Violence and the Politics of Illusion", Bettcher explains that this thought process is the reason why trans people who do not have a matching gender representation to their genitalia are seen as deceivers in dominant contexts.[45]

In resistant contexts, which are subcultures Bettcher describes as trans communities, FPA about one's gender is a lived practice.[46] One's gender presentation does not communicate one's genital status but one's identification and the

[41] Cf. ibid., p.101.
[42] Cf. ibid.
[43] Cf. ibid.
[44] Ibid., p.102.
[45] Cf. Bettcher, Talia Mae: Evil Deceivers and Make-Believers.
[46] Cf. Bettcher, Talia Mae: Trans Identities and First-Person Authority, p.108.

way one wants to be treated. The gender one presents themselves as is seen at face value, although there are no rigid descriptions of these genders.[47] Although these resistant contexts are resisting dominant contexts when it comes to gender assignments, they are not free from flaws either. Bettcher explains that people inside resistant contexts and contexts themselves reinforce practices that are typical for dominant contexts. Firstly, she explains that genital status sometimes is not handled as a private matter, and that some trans people spread information about your genital status to others. Secondly, sometimes people are not able to transfer FPA from their resistant context to another one: Bettcher reports encounters of MTFs[48] that granted themselves FPA under each other, that did not grant FPA to FTMs[49] they met.[50] This should always be considered when looking at the distinction between dominant and resistant contexts: What is the context resisting against, what flaws are to be found and what are the ideals of this context? In my thesis I am always looking at the ideal and not the lived reality, and thus I am not focused on the people upholding these contexts but the thoughts behind these contexts.

3.3. Dominant and resistant contexts understood with Bettcher and Dembroff

This section focuses on what I want to use for this thesis from Dembroff's and Bettcher's theories and how I am going to use them to make sense of dominant and resistant contexts.

The idea is this: Dominant contexts are the ones that have as primary properties the axes of dominant gender ideology. Other actions and correspondent circumstances are secondary properties. As an example: The binary axis in combination with the biological axis assert that there are only two genders, *cis man* and *cis woman*. The consequence of this are binary public toilets. Different contexts that are labelled dominant contexts can have different understandings what the consequences of these primary properties are, and they will be context de-

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[47] Cf. ibid.
[48] MTF: People who were identified as a *man* at birth, but identify as a *woman*.
[49] FTM: People who were identified as a *woman* at birth, but identify as a *man*.
[50] Cf. ibid., p.108.

pendent for sure. As mentioned in the second chapter, the primary properties under-determine the secondary properties. Different rules are needed for different contexts. Yet it would be possible that one soccer club does not allow *trans people* and another one only lets them play in the *women's* division, even though some of them are *trans men*. The rules that follow from these axes may vary, but dominant context is the umbrella term for contexts that enforce these axes and are thus non-critical social kinds when referring to Dembroff. These contexts treat every one that is not a *cis man* as if they are worth less.

On the other hand, resistant contexts have the primary properties of resisting dominant gender ideology and taking FPA seriously. Those properties in turn produce different secondary properties like using gender neutral pronouns or having unisex toilets. Most importantly, I understand the primary properties being the political and moral core of resistant contexts. They represent the goals that these contexts want to achieve, namely, to have more inclusive contexts for *cis women*, *trans women* and *-men* and *people with nonbinary gender identities* alike. Resisting dominant gender ideology and FPA are moral and political aspects. Resisting dominant gender ideology is to reject how gender functions in dominant contexts, while FPA is the rejection of authorities and other people determining one's gender. Combined, as key features of resistant contexts, we can see that resistant contexts have goals and ways they envision gender to function, that differ from dominant contexts. I assert that these goals and ways to view gender are essential to this context and thus resisting dominant gender ideology and FPA are primary properties of resistant contexts. Previously, I talked about how identity can interact with contexts and how it is important what the person in question takes to be relevant to themselves in this context. I believe that dominant and resistant contexts, but especially resistant contexts are highly relevant to many people when it comes to their identity. Understanding these contexts as important parts of the identities of people involved in them is crucial. Also, it is important to pay attention to the moral and political commitments that differentiate dominant and resistant contexts and are, as I argued part of the core of these contexts. Dominant contexts may assert that the qualities associated with *men* are more valuable than those of *women and people with nonbinary identities,* and accordingly value *men's* work more than that of *women and people with*

nonbinary identities, while resistant contexts explicitly refuse this assumption. While a dominant context may only allow *cis men* and *cis women* to use bathrooms without social consequences, resistant contexts will have a third option or install unisex toilets or, when it is only resisting the biological axis, allowing *trans women* to use *women's* bathrooms freely and/or *trans men* to use *men's* bathrooms. To understand the difference between dominant and resistant contexts also in their views about which groups of people should have access to what goods, and thus as moral and political distinctions, is important. They are not just distinct in how they live gender, because every context subsumed under the umbrella term dominant context does that. They are distinctively different because they enforce different views about people: What they are "worth" (in dominant contexts, *men* have more valuable features than *women*) and what they can or should do.

Combining Bettcher's and Dembroff's theories and their thoughts about dominant and resistant contexts, we have gathered some tools to distinguish between dominant and resistant contexts. Now we can use this distinction when looking at Jenkin's and Ásta's theories.

4. Explaining Katherine Jenkins' Theory

In this chapter, I am going to contextualize Jenkins' theory by illustrating her dispute with Haslanger about gender as class (4.1). After this I am going to explain gender as identity, and how it depends upon gender as class (4.2). Then, I am going to show how Jenkins' defines nonbinary identities using her framework and arguing that it is not capable of theorizing nonbinary identities (4.3).

4.1. Katherine Jenkins refining Haslanger's Theory

In this section I contextualize Jenkins' theory. It is important to understand Haslanger's theory if one wants to understand Jenkin's theory properly, because Jenkins' theory is a direct answer to Haslanger's, and Jenkins reuses aspects of Haslanger's theory in her own theory. The two elements that I will describe in this section are Haslanger's understanding of gender as hierarchical (gender as class as Jenkins describes it) and the ameliorative approach. Both are necessary

if one wants to understand Jenkins' theory, because both are part of her theory as well.

Haslanger's approach to theorizing gender is an ameliorative one. This type of inquiry requires us to know what a certain concept or term should do for us. "On this approach, the world by itself can't tell us what gender is, or what race is; it is up to us to decide what in the world, if anything, they are."[51] With an ameliorative approach one must define to what end one wants this concept for: What should this concept accomplish for us? What are the political commitments we do with this term? Haslanger's concept of gender should be an effective tool in the fight against injustice, she proclaims.[52] To understand how gender is defined in Haslanger's theory, we might look at her definition of "functioning as a *woman*":

> S functions as a woman in context C iff $_{df}$
>
> (i) S is observed or imagined in C to have certain bodily features presumed to be evidence of a female's biological role in reproduction;
>
> (ii) that S has these features marks S within the background ideology of C as someone who ought to occupy certain kinds of social position that are in fact subordinate (and so motivates and justifies S's occupying such a position); and
>
> (iii) the fact that S satisfies (i) and (ii) plays a role in S's systematic subordination in C, that is, along some dimension, S's social position in C is oppressive, and S's satisfying (i) and (ii) plays a role in that dimension of subordination.[53]

To summarize this definition: One functions as *woman* in a certain context, iff others perceive you as being female. This ascription can be done via bodily features, that are not even part of reproduction in the slightest, like long hair or the shape of the head. Being seen by others as a *woman* justifies in this context that this person occupies a subordinated social position. This definition describes the essence of what I would call "being gendered" and what will be known in Jenkins' theory as "gender as class". The general idea is that others treat us differently and sort us in different social categories by our appearance. All that are viewed as *woman* are subordinate in relation to *men*. It is noteworthy that a theory of gender that solely relies on "being gendered" for their theory of gender is not compatible with FPA, because your gender is prescribed by others. It should

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[51] Haslanger, Sally: Resisting Reality, p.224.
[52] Cf. ibid., p.226.
[53] Ibid., p.235.

also be mentioned that Haslanger's approach is not in favor of these subordinations but wants to theorize these structures to get rid of them.[54] I argue that this perspective towards gender is looking to theorize dominant contexts. Haslanger's theory cannot comply with FPA, looks at gender from a binary frame and also checks the boxes about the biological and hierarchical axis of dominant western ideology, as described by Dembroff. In this explanation we only have the possibility of *woman* and *man* as genders, that refer to the assumed biological features of a person, and these genders are hierarchical. This is not a bad or a good thing. But it is important to note that Haslanger's theory is concerned with dominant contexts and how dominant western ideology can be countered within these contexts. It is also important to keep this in mind when looking at Jenkins' theory about gender, because Haslanger's gender as class will be a part of it.

Jenkins argues that Haslanger's account is trans exclusive. She does this by proposing different scenarios, in which a *trans woman* would be or would not be understood as a *woman* within Haslanger's theory. I focus on Scenario 2 and 4. In Scenario 2, a *trans woman* publicly presents herself as a *woman*, but others do not perceive her as a *woman*. Although subordinated, she does not function as a *woman*, because others do not perceive her to be one. In Scenario 4, she is perceived as a *woman*, but not because of her appearance, but because the context allows FPA about gender. This *woman* experiences subordination based on being perceived as a *woman*. She does not function as a *woman* on Haslanger's account either, because it had nothing to do with her appearance. These scenarios yield unfavorable results for Haslanger's theory, because both scenarios would be seen featuring subordination based on presenting as a *woman*. Yet both *trans women* are not included as *woman* in Haslanger's account.

Jenkins concludes that Haslanger's account is trans exclusive. For her own theory, she wants to stick to an ameliorative approach that makes political commitments from the start. Her goal is to refine Haslanger's theory in a way that

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[54] Cf. ibid., p.243.

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can be trans inclusive and help trans right movements. She does so by adding gender identity as an equal part to the concept of gender, besides gender as class.

4.2. Gender as identity

This section will deal with an original piece of Jenkins' theory, her idea of gender as identity and how it relates to gender as class. Jenkins' idea is that gender identity functions like a map, that tells one how they should behave in a certain area.[55] One is not always aware of their map, but it navigates one unconsciously through day-to-day social encounters. One can be aware of their map though. In a different paper Jenkins' explains this map with an example of three people, a *woman*, a *man* and a *nonbinary person* that work in the same building. The *woman* might have the male toilets marked as an area she should not go to, and the female toilets marked as an area she can go to, and the reverse would be true for the *man*. The *nonbinary person* would not have any toilets marked as a place they can go to. The *woman* could have the meeting room marked as a room of discomfort, while the *man* has it marked as a room of comfort.[56] Jenkins' envisions that although these maps show similarities between members of one gender, that does not mean they have the same map. One *woman* could resist the norm of shaving her legs, which is an action that is seen as relevant to her gender, whilst another one conforms to it.[57] Important in Jenkins' theory is that one takes a large enough subset of norms that are associated with one's gender to be relevant to oneself. She thus defines gender identity like this:

> S has a gender identity of X iff S's internal 'map' is formed to guide someone classed as a member of X gender through the social or material realities that are, in that context, characteristic of Xs as a class.[58]

What is important to note here is the connection between gender as class and gender identity. "Gender identity is thus linked to how gender as class operates in the context in which S exists."[59] This statement from Jenkins' is only consequent when looking at her definition and given examples and is an indicator of

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[55] Cf. Jenkins, Katherine: Amelioration and Inclusion, p.409.
[56] Cf. Jenkins, Katherine: Toward an account of gender identity, p.729.
[57] Cf. Jenkins, Katherine: Amelioration and Inclusion, p.412.
[58] Cf. ibid., p.410.
[59] Ibid., p.410.

her primarily looking at dominant contexts. Her application of gender as class makes gender identity reliant on it, and as we saw earlier, Haslanger's theory is primarily concerned with dominant contexts. Also, Jenkins has yet to show how genders that have no gender as class in a certain context, like nonbinary genders in dominant contexts, should work. I argue that this way of defining gender identity has some serious problems when looking at nonbinary identities. I will look at her way of defining nonbinary identities in the upcoming section and argue that this way of looking at nonbinary identities only makes sense within dominant contexts.

4.3. Defining nonbinary gender identities

Jenkins explains her way of theorizing nonbinary identities by an analogy with a radio. One can tune into the *men's* channel, or the *women's* channel. Nonbinary identities can then be understood as not turning on the radio at all (agender), switching between the *men's* and the *women's* channel (genderfluid), or the radio could play two channels at the same time (bigender). She then gives a definition for the umbrella term *nonbinary* identities:

> A subject S has a **non-binary** gender identity iff S's internal 'map' is neither formed so as to guide someone classed as a woman through the social or material realities that are, in that context, characteristic of women as a class, nor formed to guide someone classed as a man through the social or material realities that are, in that context, characteristic of men as a class.[60]

Her following definitions of *genderfluid* and *agender* identities make it strikingly clear that these nonbinary identities are always in relation to *man* and *woman* and are defined through them or the absence of them. I argue that her way of defining nonbinary identities is an example of her theorizing for dominant contexts. The base properties of these definitions are classed as a *woman* and classed as a *man*. These definitions explain that *woman* and *man* are the base properties that nonbinary identities consist of. Being nonbinary is neither being a *man* or a *woman*, being *genderfluid* is being sometimes a *man* and sometimes a *woman* and being *agender* is being none of these kinds at all. I argue that her definitions are done for dominant contexts: they are the best way you could de-

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[60] Jenkins, Katherine: Toward an account of gender identity, p.735.

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scribe nonbinary identities to someone, who only knows *man* and *woman* as genders. But maybe this is the reason for these definitions. If so, this is not made clear by Jenkins'. If these definitions by approximation were Jenkins' goal, then she did not theorize this way either. Her definitions do not read as the best one could do from the perspective of dominant contexts, but a sincere try to theorize these genders. I also think that Jenkins' statement, that we need to work with *woman* and *man* as class as the only two gender classes available is only true when analyzing gender from a dominant context.[61] Of course, gender classes as theorized by Haslanger, only exist in dominant contexts, because in resistant contexts the reason for your gender is not your appearance but your FPA about gender. Also, the different axes of dominant gender ideology that are assumed by Haslanger's theory are not compatible with every resistant context. Resistant contexts that try to be a friendly environment for people with nonbinary gender identities cannot work with a theory that relies on a fixation on *men* and *women*. But this fixation towards gender classes only allows to look at genders that have a gender class. To my understanding, there are no norms concerning people with *agender* identities within dominant contexts. So, I think Jenkins' statement that we should work with *woman* and *man* as class only makes sense when theorizing from a dominant context, because the definition of gender as class is not helpful when dealing with resistant contexts.

I side with Dembroff that this way of defining nonbinary identities distorts them. It leaves no room for double genders like "*nonbinary woman*", which Dembroff makes clear is a common way to describe one self's gender.[62] How should we understand in Jenkins' theory that a person is on the one hand nonbinary, which says that this person adopts no binary coded norms relevant to themselves, but then on the other hand they are a *woman* adopting the norms applied to *women*? Dembroff rejects the idea that nonbinary identities do not take binary coded norms to be relevant to themselves. Often this has to do with the inescapability of gender norms: one is being gendered, and through this, one takes these norms to be relevant to oneself, because they affect interactions with

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[61] Cf. ibid., p737.
[62] Cf. Dembroff, Robin: Beyond Binary, p.9.

others.[63] Because Jenkins is not able to handle double genders, she fails to theorize these identities correctly. These double genders are only thinkable by leaving aside the axes of dominant gender ideology. The binary axis denies nonbinary identities altogether, but the hierarchical, teleological, and biological struggle with these double genders, because they assume that they get one input: *man* or *woman*, *male* or *female*, and even, when looking at the hierarchical axis in isolation: *cis man* or *cis woman* or *trans woman* or *trans man* or nonbinary identities. But how should it place someone in a hierarchy, if they are two identities at the same time? I think this goes to show that Jenkins faces problems with double genders because of her link with Haslanger's theory, that relies on the hierarchical axis and thus is constrained to theorizing gender as it is lived in dominant contexts.

I do still think there is a good reason to theorize nonbinary identities like Jenkins' did. It helps to bring nonbinary identities in a binary frame. I also think this is a necessary evil when analyzing for dominant contexts, because these definitions are not made to be correct, but to implement the idea of nonbinary identities in dominant contexts. Whether we want to distort these identities for the sake of being explainable to people who do not have contact with nonbinary identities, is yet an entirely different discussion I will not embark on here. However, this is what in my view fundamentally distinguishes Dembroff and Bettcher from Jenkins and Ásta. Dembroff and Bettcher openly claim that they prefer theorizing from resistant contexts, while I think that Jenkins and Ásta prefer theorizing from dominant contexts, even though they do not differentiate between these two terms in their own work.

5. The dominant context within Jenkins' theory

To understand the dominant context within Jenkins' theory, I will look at several instances in her work that suggest a theorization from the standpoint of dominant contexts. Then I will summarize my argumentation from Chapter 4.

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[63] Cf. ibid.

Her distinction between mainstream contexts and contexts such as trans communities, that have resistant understandings of gender in place, suggests that Jenkins uses a distinction mirroring the distinction between dominant and resistant contexts.[64] When trying to defend Haslanger's theory, she says:

> To describe an oppressive system is not to endorse it. Thus, it is open to Haslanger to say that part of what is oppressive about the gender class system that exists at present is precisely that it does not classify all trans women as women. And indeed, the claim that the current dominant gender order is cissexist/transphobic as well as sexist/patriarchal is a foundational premise of transgender studies.[65]

In this section Jenkins defends Haslanger by saying that her analysis merely describes the current dominant gender order, which is itself cissexist and transphobic. That she identifies gender as class as mirroring dominant gender ideology gives us valuable information. It is likely that Jenkins was at least aware of the implications gender as class has for her theory. Her theory is thus intrinsically linked with dominant gender ideology, and so is gender as identity through the dependence on gender as class. Also, she uses dominant gender ideology as the reference point for her theory. "On the one hand, understanding how systems of domination function to oppress certain people will require us to be aware of how subject positions are defined according to dominant ideology."[66]

The most striking example of theorizing from a dominant context which can be found in her own text follows her radio analogy for nonbinary identities, where she states that "[t]his provides a model for thinking about how even if there are (in a certain social context) only imposed social roles for two genders, a person can still have a non-binary gender identity in the sense defined by the norm-relevancy account."[67] But theorizing on the assumption of only two genders is a bad start to start theorizing, because it results in other genders being the secondary, and they are only the composition of these two genders. This is not compatible with the moral-political core of resistant contexts, which calls for equal rights and standing for other genders besides *man* and *woman*. Jenkins distinguishes between dominant and resistant contexts in her references to resistant

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[64] Cf. Jenkins, Katherine: Amelioration and Inclusion, p.401.
[65] Cf. ibid., p.402.
[66] Ibid., p.414
[67] Jenkins, Katherine: Toward an account of gender identity, p.735.

understandings of gender and dominant gender ideology. But I am not that certain that she understands her theory to be theorizing from dominant contexts herself, because her focus is to make a theory that includes trans persons and is helpful for trans rights movements, as she shows with real life applications like the "Reclaim the night march"[68], which tried to phrase the requirements for participants trans inclusive.

I already argued that Jenkins theorizes out of the perspective of dominant contexts. The ameliorative approach as adopted from Haslanger, gender as class and Jenkins' way to define nonbinary identities are proof of that, as I showed in the earlier sections. It forces gender to be dependent on hierarchical structures, that may not be in place in every context, maybe because it is just the axis the context is resisting against. I argue that theorizing from the perspective of dominant contexts is not really the issue here, but that Jenkins does not realize the limits of her approach. I argue that her definitions of nonbinary identities are approximations of these identities, which distorts them in a way, due to them being approximations that need to fit in the dominant context. These additions change the dominant context as well, but they do not capture these identities well. This is not a problem, because this is a limitation of her approach: when trying to change the dominant context from within, so people can understand these gender identities, these definitions will not capture these identities perfectly.

I argue that the real problem is that Jenkins thinks that they do. She thinks that these definitions of nonbinary identities capture these identities well and there is no limitation of her approach when it comes to defining nonbinary identities. And if Jenkins wants to give a contextualist gender theory, it needs to be for any given context C, not just the ones that fit into her frame. I believe it is fine to theorize only contexts that enforce dominant gender ideology. But the theory must display this, and Jenkins' theory aims to explain any given context, and resistant contexts are not theorized well enough. Jenkins' theory is not aware how different contexts may live gender, and the need for a hierarchical order when it comes to gender is not compatible with every context. Jenkins' theory

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[68] Jenkins, Katherine: Amelioration and Inclusion, p.419.

thus fails to theorize resistant contexts and as a result, is not universal in her application of the term context.

I conclude the work on Jenkins by stating that she can only theorize dominant contexts and is not capable to theorize resistant contexts. Even though she is aware of the distinction, she does not theorize as though this distinction limits her theory and has an impact on it, as apparent from her definitions of nonbinary identities.

6. Ásta

In this chapter, I will depict Ásta's conferralist framework about social categories, and specifically what she says about gender. I will do so by explaining her context, which concerns itself with the metaphysics of social categories (6.1). Then, I will explain how Ásta envisions her approach to conferral of social categories to work (6.2) and explain her idea for conferring gender afterwards (6.3).

6.1. Debating the metaphysics of social categories

The theory Ásta develops in her book "Categories we live by. The Construction of sex, gender, race, & other social categories" is a much broader one than any theory I discussed so far. Dembroff, Bettcher and Jenkins discussed the metaphysics and politics of gender in their theories. Ásta, however, wants to bring forth a theory about the metaphysics of social categories. "I started by asking what social categories are and how they are constructed and maintained." [69] Her theory is thus much broader in nature and will interact with theories that are not feminist. Ásta discusses non-feminist theorists like John Searle, Ian Hacking and Ron Mallon when theorizing the metaphysics of social categories in general, but discusses feminist theorists when it comes to the metaphysics of gender and race, such as Sally Haslanger, Linda Martín Alcoff, Charlotte Witt or Talia Mae Bettcher.[70] I will explain Ásta's theory while trying to avoid her explanations of other theories in this topic as much as possible. I will briefly discuss her men-

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[69] Ásta: Categories We Live By, p.4.
[70] Cf. ibid., p.9ff;
Cf. ibid., p.42ff;
Cf. ibid., p.79ff.

tions of Sally Haslanger and Talia Mae Bettcher, because Bettcher is part of my framework and Sally Haslanger's theory can function as a benchmark for theorizing from dominant contexts.

"The theory presented here lies at the intersection of metaphysics, social philosophy, social ontology, and feminist theory."[71] This is the way Ásta describes her own project. She tries to give a framework that can explain social categories, whilst being committed to giving a theory that is helpful for political goals of feminism.[72] Therefore, her focus in this book lies on the social categories of sex, gender, and race. The context Ásta's book was written for is not that easy to determine. She tries to situate her book in different contexts, answering different questions for different communities.

What I find worth mentioning beforehand is how she distinguishes herself from various feminist theories. In her discussion about Talia Mae Bettcher, she notes:

> "Bettcher seeks a semantics of gender terms that can support the metaphysical claim that trans women are women. I take my project to be friendly to trans liberatory politics, but I have different aims from Bettcher. And while I am giving a metaphysics of gender, given the metaphysics I offer, the metaphysics is not going to settle who ought to be a woman. I'm giving an account of what it is for gender to be a social feature."[73]

The metaphysical claim that *trans women* are *women*, which is central for Jenkins, Dembroff and Bettcher, is not central within Ásta's theory. More importantly, her account is less political, for she theorizes not what gender ought to be, but "what it is for gender to be a social feature"[74]. Ásta strictly discerns between the overall metaphysics of social categories, the metaphysics of social categories such as gender and race, and her political commitments. This is different than other theories within feminist theory because they take their political commitment as the corner stone of their theory. This political commitment is the core of resistant contexts as well. In the upcoming sections, we will need to see

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[71] Ibid., p.6.
[72] Cf. ibid.
[73] Ibid., p.87f.
[74] Ibid.

if Ásta can theorize these moral and political commitments of resistant contexts well enough, to explain them as social contexts. I do not want to frame Ásta's theory as a non-feminist theory about gender. Her motivation for this project is "to offer an analysis of social categories that can aid in fighting oppression"[75], so it is clearly a feminist theory when it comes to gender. Because her theory wants to be a contribution to the general discussion about social categories, parts of her theory will seem not feminist at first glance.

After explaining the context of Ásta's theory, we can move forward in explaining her theory about the conferral of social categories.[76] To understand the conferralist account in a broader sense it is necessary to understand her thoughts about conferralism about gender.

6.2. Conferral of social properties

In this section I will explain how Ásta's theory of conferral of social categories works. How are we to understand the conferralist account? The idea is that social categories are conferred onto individuals by others. Thus, the social category is not intrinsic but purely something that has to do with how other people view us. Take the example of being popular: One cannot be popular on their own, they need others to accept them as being popular and behave accordingly.[77] Social categories try to track a certain base property. If the people who do the conferring think the individual in question has a certain base property, then they confer the social category to them. It is not necessary for the person in question to really have this base property.

In her theory, she distinguishes between two different kinds of properties that can be conferred, the first ones are institutional properties and the second ones are communal properties. Institutional properties are fleshed out in this way:

> Conferred property: P
> Who: a person or entity or group in authority

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[75] Ibid., p.5.
[76] Cf. ibid., p.11.
[77] Cf. ibid., p.2

What: their explicit conferral by means of a speech act or other public act

When: under the appropriate circumstances (in the presence of witnesses, at a particular place, etc); we can think of this as a particular institutional context

Base property: the property or properties the authorities are attempting to track in the conferral[78]

One example of an institutional property is being elected president of the United States, by receiving the majority of votes from the electoral college. The property of being the elected president is conferred upon a person by the people in authority to do this conferral, namely the electoral college, in the context of an election. Ásta explains institutional properties in more detail by means of the example of parking stickers in San Francisco. People who live in San Francisco and own a car are eligible for a parking sticker, which in turn allows them to park inside the city. The parking sticker should track if someone is eligible to have one. Now let us consider that someone has documents showing that they live in San Francisco and own a particular car, even if this is not the case. Maybe they have counterfeited wrong documents themselves, maybe the institution issuing these documents made an error. They get a parking ticket, and are thus allowed to park in San Francisco. They will have no trouble parking their car, because the institutional status of having a valid sticker is what matters when parking in San Francisco. So, the car of this individual has gotten the status of having a valid sticker conferred by authority of the parking office, and that is what socially matters afterwards. They are perceived as fulfilling the requirements for a parking sticker, even though they do not.

A communal property does not function in the same way. It does not require a single authority to confer a status, even if it can be the case. It is fleshed out in this way:

Conferred property: P

Who: a person or entity or group with standing

What: their conferral, explicit or implicit, by means of a [*sic!*] attitudes and behavior

When: in a particular context

Base property: the property or properties the authorities are attempting to track in the conferral, consciously or unconsciously[79]

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[78] Ibid., p.21.

Being popular is an example for a communal property. For example, in a class in high school, this property is conferred by the people with the most standing. The people who have the most standing can decide who and what is cool. Standing is something that is given by other individuals as well. They can get it by oppression (bullying someone into giving you their lunch is a kind of standing as well) or given to an individual "for free" (because you view them as cool). Communal properties are explained by Ásta by means of the example of not getting a job because of a parking violation. In this scenario, there is a stigma around people with parking violations. They are unreliable, defy civic order and are not trustworthy. You are having an interview for a job, and everything goes well. You are nearly getting the job, until the manager sees your parking violation paper in front of your windshield. You do not get the job because of this. In this scenario, parking violators get conferred on them the communal property of behaving badly, and this communal property is socially significant, because it changes the interactions of people to whom this property is conferred with everyone else.

But what does socially significant mean? Within Ásta's theory, "for a feature B to have social significance in a context is for another feature F to be conferred upon people taken to have B. F is then the socially constructed feature."[80] To explain this definition Ásta looks at the case of disability. On her account, disability is the the feature F, while feature B is physical impairment. She explains that disability is socially constructed by referring to an example of a person named Sam in a wheelchair. If Sam's environment is constructed in a way that a person in a wheelchair can move around without problems, then within Ásta's theory, they do not get the feature disability conferred upon them. But if, for example, all the parties and gatherings are held on the second floor, and there is no way for Sam to reach the second floor, then Sam faces a consequence of being a wheelchair user which is social, and he cannot participate in those gatherings. Ásta distinguishes between unintentional and intentional consequences as well as communal and institutional consequences. Distinguishing between unin-

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[79] Ibid., p.22.
[80] Ibid., p.44.

tentional and intentional consequences is not necessary in this inquiry, while communal and institutional is a distinction which is already known. It would be a communal consequence, if an individual would celebrate parties at the second floor and Sam could not reach those parties, while it would be an institutional consequence if the voting booth was put there by the election officials in charge.[81] The first one had been decided by a person with standing for example the person throwing the party, while the election booth had been put in place by authorities.

In the upcoming section, we will look at Ásta's conferralist framework regarding gender.

6.3. Conferralism about gender

Ásta defines gender as a communal property, that works like this:

> Conferred property: being of gender G, for example, a woman, man, trans*
>
> Who: the subjects with standing in the particular context
>
> What: the perception of the subject S that the person has the base property P
>
> When: in some particular context
>
> Base property: the base property P, for example, the role in biological reproduction; in others it is the person's role in societal organization of various kinds, sexual engagement, bodily presentation, preparation of food at family gatherings, self-identification, and so on[82]

This definition tries to be true to the claim that gender is a highly contextual category. What gets tracked in which context, which genders are available, how one gets conferred a certain gender and what it means to be a gender in a certain context differs. Ásta also argues for gender to be an inescapable social category, that gets conferred onto individuals and they are subject to it no matter what. You can try to resist your gender assignment, but whether it will be successful also depends on the tools in a given context. Some contexts may be more liberal in their approach to gender assignments, maybe through self-identification, whilst others are strict, only allow *cis man* and *cis woman* as genders and have set expectations for these genders. Thus, it is socially significant, because the behavior of you and others is dependent on this social property. Ásta believes

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[81] Cf. ibid., p.39.
[82] Ibid., p.74f.

that her conferralist framework is compatible with self-identification as the base property that gets tracked. This is will be important in chapter 7. Ásta's understanding of gender as something conferred by others and gender as a mega-social role that is inescapable, resembles Haslanger's theorization of gender, which was not able to theorize resistant contexts, because it relied on the hierarchical axis of gender in dominant contexts, to explain gender. This resemblance is acknowledged by Ásta, though she sees substantial differences between hers and Haslanger's theory.[83] Within Ásta's theory, the hierarchy is not that clear-cut as in Haslanger's theory. Here, people with standing confer a communal category upon others. This does not determine that *women* are subordinate, and *men* are privileged, as it was the case in Haslanger's theory. Ásta's theory is thus more nuanced and leaves more room for different contexts to fit within her definition of gender as a conferred communal social category.

Most interesting to me are her explanations about the North Carolina Bathroom Bill in 4.3,[84] because I think it is a wonderful example of conferral by authority, which yields a different communal conferral present in bathrooms. It shows in what manner Ásta can make sense of gender. In 2016, North Carolina passed a law that stated that you were only allowed to use a bathroom that corresponded to your birth certificates.[85] For Ásta, the state legislation does not trouble the sex/gender distinction, but merely creates a new institutional gender category, which takes the birth certificates sex assignment as the base property. Furthermore, Ásta does not think that this troubles her idea that gender is a communal category, because the important conferral does happen at the bathrooms, not within the law. Bathrooms are policed by other users. No member of police or law enforcement agencies sits outside the bathrooms and asks for your birth certificate. Neither do other people who use the same bathroom. They look at each other and question whether you look like a female or a male. Thus, they track someone's right to use the bathroom according to this person's look. So, people create a communal property that tries to track this person's right to use the bathroom according to the institutional property, that itself has their look as

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[83] Cf. ibid., p.79ff.
[84] Cf. ibid., p.77ff.
[85] Cf. ibid., p.77.

the base property. So, the institutional property and the communal one differ, and in the end, the communal one resembles stereotypical gender assignments.

I think that this exemplifies the way how Ásta's theory can distinguish between what the law dictates and what communal categories make of it. It shows how helpful this distinction between communal and institutional categories can be in explaining social categories, how they function and how they are maintained. What is missing from my point of view, is a proper way of understanding how they are created. In Ásta's view, individuals in their specific context create a social category. But her explanation as to why this category exists in a certain manner is quite shallow. I will argue in the upcoming chapter that the missing explanation of how categories come to exist is the reason she cannot explain resistant contexts properly.

7. The dominant context within Ásta's theory

Now that we have a good understanding of Ásta's theory, we can ask whether Ásta's theory is only capable of theorizing dominant contexts. One of the most important reasons to assume this is her believe that a category is social, because other people confer this category upon us. In my understanding, this leaves little room for autonomy or FPA for social categories. In this section, I will look at Ásta's comments towards Haslanger's and Bettcher's accounts of gender, then move on to her pieces of theory about self-conferral and self-identification and check whether they are compatible with FPA.

Ásta discusses Bettcher's theory about gender after explaining her own theory first. She compares her theory with Haslanger, Alcoff, Witt and Bettcher in this section. It is worth noting that Ásta describes her theory as being similar to Haslanger's, a theory with the same aim but different building blocks. Ásta's theory relies on individuals and their actions, while Haslanger's is a class analysis.[86] I believe Haslanger's and Ásta's theory differ in scope and thus in flexibility, but when it comes to who has the power to confer a property, both would answer "other people". I think that these theories do not differ substantially, be-

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[86] Cf. ibid., p.79ff.

cause Ásta's proposal that people with standing or authority can confer a social property can easily be understood or changed into a class analysis like Haslanger's. If *men* are always in positions of power and thus have authority, they can dictate social categories. If *men* are taken to be smarter than other genders, they have standing and confer social categories. It does not take much to make these two theories nearly equivalent. The difference being that Ásta's theory leaves more room for different constellations and is thus more flexible. This allows her to think about cases such as self-conferral and self-identitfication, which I will discuss shortly.

Ásta describes Bettcher's theory as being a multiple-meanings position towards gender. This describes the idea that a term can have different meanings in different contexts. For example, there is a different meaning of *woman* operative in dominant contexts than in resistant one's. In dominant contexts for example, it will be the case that *trans women* are not understood as *women*, because of the biological axis, while they are understood as *women* in resistant one's through FPA. When we look at Ásta's definition of gender, multiple meanings are also possible. The base property that the conferral should track can change depending on the given context. So how do Bettcher and Ásta differ? First of all, Bettcher's political commitment that *trans women* are *women* is a central element of her theory, which is not the case for Ásta. The more important distinction for me is FPA. It is Bettcher who theorized FPA and takes it very seriously. I am not certain that Ásta's theory can do the same, because in her theory gender is a conferred property, which is conferred by others. I will now look at Ásta's mentions of self-conferral and self-identification, to look if they are compatible with the idea of FPA. Those two concepts are the only ones I could find that resembled the idea of FPA. If they are not compatible, then Ásta's theory is not able to theorize resistant contexts, because FPA is a central lived concept that originated within resistant contexts.

The idea of self-conferral is only briefly mentioned by Ásta when explaining her own account. The idea is that sometimes people with standing or authority can self-confer a social property if the circumstances allow it. For example, the social map, which functions similarly to Jenkins' idea of social maps, that is op-

erative in this context, needs to have this category "charted". Take the example of being cool. This category can be conferred upon you by others, and often is, but the idea is that someone who meets the criteria for being cool in a given context can claim that they are cool. If there are not enough people with standing in this context that refuse this self-conferral, this person now functions as a cool person.

Note that the authority in the context of self-conferral and the authority in the context of FPA cannot be equal because authority is the property of institutional categories. Gender is a communal category and thus standing needs to equal the authority in the context of FPA. Is standing something that can be shared equally, or is it tacit and variable according to whether the group respects a person or not? The first scenario would be needed for FPA, but I do not think this is a wise choice, because it would make standing a weird property. It would shift it from a subconscious social to a conscious democratic property. In the second scenario, your right for FPA in a resistant context could be dismantled because you have bad standing. While I take it to be the case that this happens, as mentioned by Bettcher with *trans persons* disclosing your genital status and not granting others FPA, it does not capture the political and moral core, that is the foundation of resistant contexts and FPA. You have the right to choose your gender on your own. It is wrong for others to dictate what you are and how you should behave, because it interferes with your autonomy. It would be the same as if you claimed that you only have human rights and the right to live until someone takes this right away from you by killing you. The person getting killed and the person getting their FPA denied still had human rights and FPA respectively, even if they were not present in reality. Because these concepts are moral concepts, they are conferred to everybody, even if in reality their human rights are not respected. Self-conferral as a concept thus seems not able to catch the essence of FPA and thus the political and moral core of resistant contexts.

But what about self-identification? It is one of the base properties that gender could track according to Ásta. However, Ásta's best explanation for self-identification is not found within the context of gender, but of race. I believe this explanation is also applicable to gender. Ásta explains that there are many states

in the US that rely on people's self-identification in the case of race. This data is used when it comes to law enforcement, so it has social implications. The main reason you should self-identify is that the state is uncomfortable with assigning individuals their race, so they let them do it by themselves. Ásta compares this behavior with that of a theater director who is uncomfortable with assigning roles for the play. If everybody picked the roles you wanted them to, self-identification works great: No one is really forced into these roles, but they align with what the person in authority imagined. But it does not change the fact that you are the authority and can decide. The director and the committee which is in charge of racial identification can revoke your self-identified status, if they find it unfitting.[87]

How does this transfer to gender? And what would that say about FPA? First of all, we have to acknowledge that again, gender is a communal category and thus, standing is the important factor, not authority. But if we were to think about self-identification as people with standing delegate standing to the ones who do not have it themselves, then we are in the same dilemma as with self-conferral. And while I think it is important to recognize that you can only self-identify if others let you, that misses the moral aspect of FPA: You should be entitled to do so, not rely on others to confer upon you a fitting role. And if we think about FPA as something that can be revoked by others it is missing this moral point.

But if others not react to your self-identification, so if it is not socially significant, then what would make it social? The question is whether the self-identification in the moral way mentioned by FPA, and social categories can ever fit together. I am not saying that Ásta's account cannot capture the lived reality exerted by individuals in most contexts, even resistant ones. Remember Bettcher's comments about trans people spreading information about one's genital status and MTF's that are not capable to apply FPA to FTM's. I think that Ásta's theory can explain this behavior. I think that Ásta's theory cannot capture the moral dimension of FPA and therefore one of the primary properties of resistant

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[87] Cf. ibid., p.96ff.

contexts. She cannot explain why certain contexts like resistant one's even came to exist. This is just a slight flaw within Ásta's theory, because this is not her goal. Her goal is to theorize social categories and how they are maintained, not what their political goals are. Still, without the ability to explain the ideal of FPA, a part of resistant contexts is left untheorized. And I believe that the reason for a certain context to exist is a relevant bit that needs to be theorized.

Also, I am working with small pieces of Ásta's theory. Self-conferral was mentioned in one sentence, and self-identification is talked about in a different context than gender, and in this context, it is even an institutional category. I am as generous towards Ásta's account of gender as I can be, but I am still not certain that self-identification can capture FPA. Overall, Ásta does not spend much time with these questions of self-conferral and self-identification, so I cannot go into more detail.

At the moment, there is not enough explanation about self-conferral or self-identification so that Ásta's theory can capture resistant contexts. Her theory is at least catered towards dominant contexts. When we look at the base properties for gender: "role in biological reproduction; in others it is the person's role in societal organization of various kind, sexual engagement, bodily presentation, preparation of food at family gatherings, self-identification"[88], we can see that most of them match an axis of dominant gender ideology: Role in biological reproduction (biological axis), person's role in societal organization (hierarchical axis) and preparation of food at family gatherings (teleological axis). What makes me uncomfortable to say that Ásta's theory is fundamentally not capable of theorizing resistant contexts is her focus on individuals and their interaction, which does not require an axis of dominant contexts to be the center of her analysis, unlike Haslanger's and Jenkins' theories. With more explanations, Ásta's theory could be able to theorize the individual's behavior within a resistant context. Still, this theory would lack an explanation for several key features of resistant contexts, like collective resistance and the political and moral commitment of FPA. And this dimension of resistant contexts cannot be captured by

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[88] Ibid., p.75.

Ásta's approach without some drastic revisioning. I also believe that in the way her theory is structured it was not the intention to explain how social contexts moral and political commitments influence the emergence of a context, so it is unlikely that her theory will ever catch this core of resistant contexts, because in my understanding of Ásta, she thinks of moral and political commitments as separate of social categories and contexts. But I think that the social category gender is, within resistant contexts, not understandable without these collective commitments. These commitments are not brought up by individuals by chance, but they are the core of how this social category is understood in this context.

8. Dominant context and resistant context are useful categories

How does this thesis help in supporting the claim that dominant and resistant context are useful categories? I think in looking at Jenkins' and Ásta's theories about gender with this distinction in mind, we gathered a better understanding of their theories and contextual theories of gender as a whole. For a contextual analysis to capture resistant contexts, it is required that it does not presuppose an axis of dominant gender ideology as the key feature of gender, and also, this theory needs to make sense of FPA. Also, we can now understand that contextualist approaches to social categories must make sense of many different elements of a context, for example the moral and political commitments of resistant contexts. When looking at Haslanger and Jenkins, they both fail because they presuppose the hierarchical axis of dominant gender ideology. When looking at Jenkins, we discovered that her analysis of nonbinary identities could have a different intention than previously supposed. And in Ásta's case, we discovered that her analysis of self-conferral and self-identification was not precise enough to explain FPA and her way of theorizing was not able to understand the primary properties of resistant contexts. Though both Jenkins and Ásta bring forward contextual theories about gender, that do not presuppose a single meaning of a certain gender, they struggle when thinking outside the dominant context and how contextual a contextual theory about gender really needs to be.

This distinction helps in highlighting different concepts of gender, that are not well known to everyone. Also, it helps preventing dominant contexts to be interpreted as normal. Just how white feminism reproduced certain believes

about how a *woman* behaves and what her duties and problems are, and in turn marginalizing the troubles of Black *women*[89], I am afraid that when we only look at dominant contexts of gender and ignore resistant contexts, we are making the same mistake. Of course, in this case the relevant aspect is not if someone theorizes from a dominant or a resistant context, but if they bring forth a critical or a non-critical theory. All of the aforementioned theorists bring forth a critical theory, that try to change how gender functions in society, most of the time in dominant contexts, and have the goal to make the dominant context more friendly for *women*, *trans people* and people who identify as nonbinary. But if we do not highlight contexts in which gender is lived differently than in dominant contexts or "normal contexts", a normalization process for dominant gender ideology could happen.

Let us look at Alex Bryne's article "Are women adult human females?". It proposes that all that is to the term w*oman* is the equivalent of its dictionary entry "adult human females" and argues that philosophers arguing otherwise are wrong. We can see that this theory heavily relies on biological markers such as "female" to argue for her standpoint. It goes without saying that her article does not consider the idea that biology could not be the only factor for determining one's gender and that even biology can have trouble assigning sex to people.[90]

This is only one example of many argumentations that rely on this normalization process: it is normal for us, therefore, it is right. I propose that highlighting resistant contexts can help counteract these argumentations, if only by a little. I do not suppose that people who insist that trans people's identities and status as *men* or *women* are not legitimate will change their minds by that. I just believe that this distinction could help theorists like Jenkins in improving their theories, so that "in a given Context C" means every possible context, not just those that are hierarchical in nature. Jenkins particularly delivered a rather confusing theory about nonbinary identities, that left me confused about her goal with this inquiry. I believe that distinguishing between dominant and resistant contexts

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[89] When looking at this term "Black women" intersectional, there is no reason not to write Black italic as well. For the sake of simplicity and clarity of my thesis, I am not writing Black italic.
[90] Cf. Bryne, Alex: Are women adult human females?

can help theorists like Jenkins make their theories more precise and understand-able.

9. Conclusion and further remarks

This thesis started with asking how the terms dominant and resistant context, used and inspired by Robin Dembroff and Talia Mae Bettcher, could help theorize gender. I wanted to look at Katherine Jenkins' and Ásta's theories about gender and show how our understanding of their theories could be enriched by this distinction. Furthermore, this thesis showed that Jenkins' as well as Ásta's theories only consider dominant contexts and are not able to theorize resistant contexts.

To get started, we needed a preliminary understanding of social contexts, dominant and resistant contexts as well as different gender identities. This was achieved in the second chapter. Social contexts were understood as having primary properties that were essential to the contexts, and secondary properties, that were the implementation of the primary properties. Resistant contexts were preliminary defined as having "resisting dominant gender ideology" and FPA as primary properties. Dominant contexts on the other hand, were the everyday way of living gender and enforced dominant gender ideology. The analysis differentiated between the umbrella terms trans and cis, and how nonbinary identities fit under this distinction. They were subsumed as yet another umbrella term under trans, that subsumed identities like *agender* and *genderqueer*.

Then, I tried to get a better understanding of dominant and resistant contexts altogether, and thus tried to explain key aspects of resistant contexts and how these aspects let us distinguish between dominant and resistant contexts. This was the work of the third chapter. I explained Bettcher's idea of FPA, that states that people have moral authority about their gender. Bettcher distinguishes between dominant and resistant contexts and ascribes FPA as a lived practice to resistant contexts. We also looked at Dembroff's explanations about *genderqueer* which in turn helped to explain dominant western gender ideology, which consists of four axes: The hierarchical, the binary, the biological and the teleological. On Dembroff's view, something was a resistant context if it resisted one of

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these four axes, and *genderqueer* resisted the binary one. A dominant context thus reinforces these axes.

With this framework of what dominant context and resistant context mean, this thesis moved on to work with Jenkins' and Ásta's theories. Firstly, I explained Jenkins' theory about gender, which consists of gender as class, which is a piece of theory of Haslanger, and gender as identity. Gender as class is a hierarchical analysis of gender that states that one is a *woman* if one is subordinated because of an assumed female reproductive role, and one is a *man* if one is privileged because of an assumed male reproductive role. Jenkins showed that this analysis alone is trans exclusive, because in different scenarios *trans women* were in fact subordinated as *women* but could not count as a *woman* in Haslanger's analysis, because they were not assumed to have a female reproductive role. Because of this, Jenkin's analysis has two aspects: gender as class as well as gender as identity. Gender as identity functions as a map of someone's identity, that guides someone through the world. The norms that are relevant to one's map in a given context are prescribed by one's gender class. I stated that this analysis falls short when it comes to nonbinary identities, because it could only explain them in a distorted way. Jenkins was not able to theorize dual identities. People with dual identities keep an innate sense of themselves as a *woman* or a *man*, while maintaining that they are *nonbinary*. I concluded that Jenkins' is not able to theorize key aspects of resistant contexts correctly, and thus could not theorize resistant contexts. I stated that this would mean we would have to look at her explanations of nonbinary identities as approximations done for dominant contexts.

Secondly, this thesis engaged in Ásta's theory, which is a conferralist approach. The idea is that social categories such like being popular, gender, race or being the president of the US, are conferred upon individuals, either by authority (institutional category) or by standing (communal category). This approach was broader because it tries to explain what social categories are and how they are maintained. When it came to gender, it was not clear how the exception to her rule that a social category is conferred by others in the form of self-conferral and self-identification would work with gender, and whether this would be enough to

explain FPA in her theory. Thus, my analysis concluded that her theory is not capable in theorizing resistant contexts at the moment and that it needs a better explanation of self-conferral and self-identification, and her theory is not able to theorize the moral and political commitments of resistant contexts.

In the end, I gave an argument why dominant context and resistant context are useful categories, in which I alluded to the work I have done in this thesis as well as argue that this distinction could help prevent normalization of dominant contexts as the "normal" and therefore "good way" to live gender.

Looking forward, there are three aspects I would like to consider: Firstly, I will look at how this work can deal with the claim that it is not intersectional. Secondly, I will look at the debate Dembroff raised, that resistant contexts are preferable points to start analyzing from as compared to dominant contexts. Thirdly, I will suggest that contextualistic approaches to gender need a broader understanding of contexts.

One may object that my thesis is not considering intersectionality in all its bearings. And I agree: This thesis does not revolve around intersectionality, so this thesis remains within the framework of a bachelor thesis. I think it is still important to consider how this analysis could be understood intersectional and I argue that this thesis can be extended, so it takes intersectionality seriously.

First, what is intersectionality? This term was coined by Kimberle Crenshaw and was used to describe law cases in the US in the 1970's.[91] In "DeGraffenreid v. General Motors", five Black *women* claimed that they were fired due to them being Black *women*. The court dismissed the suit, because they were not allowed to combine claims of being discriminated as being *women* and discriminated as being Black.[92] In yet another case the suit was dismissed, because the company employed (white) *women* as well as (Black) *men*.[93]

This case shows how social categories intersect with each other: They create unique experiences that are only experienced by people at this intersection.

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[91] Cf. Crenshaw, Kimberle: Demarginalizing the Intersection of Race and Sex, p.141.
[92] Cf. ibid.
[93] Cf. ibid., p.143.

These *women* claimed to be discriminated against as Black *women*, so they were discriminated against in terms of gender and race at the same time. White *women* were not fired, and Black *men* were not as well, so this discrimination was unique to Black *women*. This is the idea of intersectionality.

The problem that arises for my thesis from intersectionality is, that one can never separate these social categories from another. If analyzing only gender, one cannot analyze intersectionally. What to do about it? I think that my theory can be applied to other social categories besides gender. When looking at race, an example for a resistant context would be a Black community. When looking at class, I could imagine communal living or squatters to be resistant contexts.

Still, this does not solve the issue of analyzing intersectional, for I am only proposing various one-track analyses of discriminatory practices. Let's look at an example from Audre Lorde:

> Within Black communities where racism is a living reality, differences among us often seem dangerous and suspect. The need for unity is often misnamed as a need for homogeneity, and a Black feminist vision mistaken for betrayal of our common interests as a people. Because of the continuous battle against racial erasure that Black women and Black men share, some Black women still refuse to recognize that we are also oppressed as women, and that sexual hostility against Black women is practiced not only by the white racist society, but implemented within our Black communities as well.[94]

Using the distinction of dominant and resistant context, we can say that the community Lorde is talking about is resisting discriminatory practices against Black people but fails to address discriminatory practices within their community against *women*. This problem described by Lorde is a good example of intersectionality, because only Black *women* in this community experience this form of oppression. Using my terminology, this community is in terms of gender a dominant context, but in terms of race they are a resistant context. Analyzing race, gender and class separately does not make them separated in reality. I am aware that my thesis cannot be understood as taken intersectionality seriously until I can show it can explain prime examples of intersectionality. To work with this systematic further, dealing with intersectionality would be necessary.

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[94] Lorde, Aurde: Age, Race, Class and Sex: Women Redefining Difference*

Now I want to look at the discussion between dominant and resistant contexts as starting points for feminist theory. Dembroff states: "I again follow Bettcher (2013, 235), who argues that assuming dominant gender meanings and concepts is a "bad place" to start feminist theorizing, as it "effectively yield[s] political ground from the very beginning"."[95] This could be understood as criticizing theorists like Haslanger and Jenkins, that start theorizing from the status quo, the existing gender classes within dominant contexts. A further analysis of dominant and resistant contexts would need to answer the question if Dembroff's and Bettcher's collective statement even concerns Haslanger and Jenkins, and how dominant context and resistant context can be understood fruitfully and how they interact. Should we only look at gender from resistant contexts? What is to be learned from analysis from the point of view of dominant contexts?

My answer to this will only be a mere sketch, but I think that there is room for theories that concern themselves with dominant contexts, as well as for theories that focus on resistant contexts. As shown in this thesis, Jenkins' theory was not harmful or useless for feminist inquiry, it merely had a different goal and, in my view, concerned itself with the explanation of forms of gender that were not common in dominant contexts so that people that never came in touch with nonbinary identities could understand them with the tool they had. Raising understanding and awareness for nonbinary identities within dominant contexts is needed and helps feminist goals. But it is different than looking at the isolated subcultures that resistant contexts are and use them as a force for change within dominant contexts. The approach differs between theorizing from dominant and resistant contexts: Change from within dominant contexts only can use resources that are available in dominant contexts. Resistant contexts confront dominant contexts with the different ways of living that are normal in resistant contexts, so resistant context help criticizing dominant contexts from outside. I believe that both angles have their merits and paying close attention to the interplay of them would be of utmost importance when working with this framework again.

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[95] Dembroff, Robin: Beyond Binary, p.3.

Lastly, I argued in this thesis that Jenkins as well as Ásta have a narrow understanding of social contexts, that make some contexts unthinkable in the first place. In my analysis, I made the point that the moral and political commitments that the individuals agree on in a certain context collectively are relevant when we want to understand social contexts. Furthermore, context is an often-used term, that gets little to no definition from the theories I worked with here. This lack of clarity can lead to confusion. Although Dembroff, Bettcher, Jenkins and Ásta can be understood as contextualists, I am not certain they understand the term context, and consequentially the terms social context, dominant context, and resistant context in the same way, and this is difficult to find out, because they rely on an unspoken notion of context, rather than a definition. I state that there is a need to theorize what we mean by social context, and what this understanding does to contextualist approaches to gender.

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