

Intimate Kinds of Double Binds

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Abstract

Trans people are often caught in a lose-lose bind: either they are accused of sex-based deception in virtue of hiding their “true” sex, or they are accused of sex-based make-believe in virtue of merely pretending to have a sex other than the one they “truly” have (Bettcher 2007, Kapusta 2016, Jenkins 2020, Marvin 2024, Dembroff 2024). However, while this double bind is pervasive, I argue that it is no longer the only one of its kind. I argue that trans people are also subject to a *gender identity deceiver, gender identity make-believer double bind*, where they are accused not of hiding or fabricating their sex, but of hiding or fabricating their gender identity: either they are accused of deceiving others about their “true” (gendered) self, or they are accused of merely pretending to have a (gendered) self that is other than the one they “truly” have. If I am right, then not only does this show that there is more to the transphobic deceiver, make-believer stereotype than is widely believed, but it also suggests that people of other marginalized identities—e.g., marginalized sexual, religious, and cultural identities—may also face their own kind of identity-based double bind. If so, then a deeper exploration of how identity-based double binds operate on marginalized individuals is necessary, particularly in prompting us to question the foundational role gender identity currently plays in the lives of many in society.

Introduction:

Talia Bettcher (2007, 2012, 2014b, 2025) argues that, in mainstream society, it is widely assumed that one’s sex, or genital status, is an invariant feature of oneself that uniquely determines one’s gender.¹ She argues that this “natural attitude” about gender assumes a particular relation between sex and gender presentation: one’s gender presentation is always taken to *represent* or *communicate* one’s sex. So, if one “looks like” a man, then one communicates that one has male genitalia, and, similarly, if one “looks like” a woman, then one communicates that one has female genitalia.²

However, while this relation rarely poses a problem for most people, it does pose a distinctive problem for many trans people.³ In particular, Bettcher (famously) argues that this gives rise to an oppressive double bind, one in which (binary-presenting) trans people are constructed as either sex deceivers or sex make-believers: either they count as sex deceivers by having a “cis-passing” gender presentation, and so successfully misrepresent their sex, or they count as sex make-believers by failing to have a cis-passing gender presentation, and so fail to misrepresent their sex.⁴ Put another way: if a trans woman looks like a cis woman, then she succeeds in deceiving others into thinking that she has female genitalia, and if a trans woman fails to look like a cis woman, then she is thought of by others as merely pretending to have female genitalia. Such charges of sex-based deception are often associated with statements like “she is *really* a ‘he’” or “she’s *really* been a man all along”, whereas such charges

¹ She references work by, for instance, Garfinkel (1967), West and Zimmerman (1987), and Kessler and McKenna (2000), to support this partly empirical claim.

² This reveals a surprising feature of the social function of fashion and clothing: even though we wear clothing to keep private our genital status, it actually publicly communicates it instead (Bettcher 2007, Marvin 2024).

³ By *trans people*, I simply mean to refer to people whose gender is different from the sex that they are assigned at birth.

⁴ While Bettcher does use ‘deceiver’, ‘evil deceiver’, and ‘sexual deceiver’ interchangeably, she makes explicit that she is ultimately talking about a kind of *sex*-based deception, one that involves a purported misrepresentation of genital status (or of sex, or of sexed body). So, unless otherwise stated, I use ‘sex deceiver’ and ‘sex-based deception’ to cover all of this. The same holds for my use of ‘sex make-believer’ and ‘sex-based make-believe’ *mutatis mutandis*.

of sex-based make-believe are often associated with statements like “he *thinks* he’s a ‘she’” or “he’s simply *delusional*.”⁵

The problem with these constructions is that they are unjust: it is based on a belief about gender that is false and harmful towards trans people. It is false because, among other things, one’s sex need not be invariant—one can change one’s genital, hormonal, and bodily makeup—and because one’s sex need not determine one’s gender—it can instead be determined by one’s gender identity (e.g., Fausto-Sterling 2000, Bettcher 2007, Jenkins 2016). And it is harmful because it can give rise to certain forms of physical violence, especially in sexually intimate situations where one believes that one has been deceived or “tricked” by a trans person—the highly publicized murders of Gwen Araujo and Brandon Teena being just some tragic instances of this.⁶ Indeed, this is why this is an *oppressive* double bind: regardless of what a trans person does, they will only further reinforce the reality of this representational relation and thus only further reinforce their own oppression.⁷

For these reasons, many believe that trans people frequently face a sex-deceiver, sex-make-believer double bind (e.g., Kapusta 2016, Jenkins 2020, Marvin 2024, Dembroff 2024):

Sex-Deceiver, Sex Make-Believer Double Bind: trans people either count as sex deceivers by successfully misrepresenting their sex via their gender presentation, or they count as sex make-believers by failing to misrepresent their sex via their gender presentation.

As a result, many assume further that, to unjustly charge a trans person *qua* trans person with deception or make-believe *just is* to unjustly charge them with sex-based deception or sex-based make-believe (e.g., McKinnon 2014, Serano 2007, 2022). However, I argue that this popular assumption is *false*: transphobic charges of deception do not always consist in being charged with sex-based deception, and transphobic charges of make-believe do not always consist in being charged with sex-based make-believe. This is because, I claim, some trans people also frequently face a different kind of oppressive double bind. I claim that some trans people also face a *gender identity deceiver, gender identity make-believer double bind*, one in which some trans people are unjustly treated as gender identity deceivers or gender identity make-believers: as successfully misrepresenting their gender identity or as failing to misrepresent their gender identity. I also claim further that identity-based double binds like this one are not unique to trans people but are also present in the lives of many with marginalized identities, such as those with marginalized sexual, religious, or cultural identities: *many* can, and often do, face their own kind of identity deceiver, identity make-believer double bind—of being unjustly accused of (successfully or unsuccessfully) misrepresenting their social identifications. If I am right, then perhaps the antidote is to reify identity *less* in society, or to at least revise our assumptions about the role of identity (and especially gender identity) in our intimate lives.

Here is the plan. In Section I, I argue for the possibility of a trans-specific kind of deception that is non-sex-based, yet intimate in nature. In Section II, I give reasons for thinking that these trans-specific cases of non-sex-based intimate deception are not just possible, but actual and likely pervasive. In Section III, I argue for thinking that these trans-specific cases of non-sex-based intimate deception, which I call gender identity deception, are cases of trans oppression. Lastly, in Section IV, I argue for

⁵ While the focus of much of this paper is going to be at the level of the individual or the interpersonal, it is important to note that these charges of deception and make-believe are also present at the level of the institutional and the structural. For instance, as of January 2025, Florida’s Department of Highway Safety considers attempts by trans people to change their legal gender marker on their license as “misrepresenting one’s gender, understood as sex” and, therefore, “constitutes [criminal and civil] fraud” (Yurcaba). Similar language is used by Donald Trump in his justification of his second-term trans-targeted executive orders: e.g., he claims that his “No Men in Women’s Sports” Executive Order will prevent further cases of “men claiming to be girls” in women’s sports and will stop men from “stealing” further victories from women (Sopelsa, Yurcaba, and Lambert 2025).

⁶ These unjust constructions also play a role in legitimizing the (transphobic) “trans panic” legal defense strategy.

⁷ For more on oppressive double binds, see, e.g., Frye (1983) and Hirji (2021).

the claim that some trans people frequently face a gender identity deceiver, gender identity make-believer double bind, and that, analogously, many other social groups also face their own kind of identity-based double bind. I then end with some tentative ameliorative prescriptions.

Section I: Intimacy Violations

Consider the following case:

LILY: Lily is a young trans woman that has recently come out to Chris, her longtime childhood friend, and who, prior to coming out to him, publicly dressed, acted, and behaved like most other men. Also, Chris has sincerely held religious beliefs that partially structure his gendered relations—gender *matters* in how Chris interacts with others. Upon coming out to him, Chris remarks, “I am happy that you are now living your truth, and for showing your authentic self. However, you should’ve told me earlier about who you really were, since I never would’ve disclosed such intimate details about myself if I knew you were really a woman all along. *You lied to me.*”

We can suppose further that Chris’ religious beliefs are such that he thinks that men should not be in intimate friendships with women: e.g., he thinks that men should only be open about one’s emotions with other men, or that men should only talk about their sexual life with other men. What is worth noting is that: (i) Chris and Lily bear some intimate (gendered) relation, and (ii) Chris believes that, when he was disclosing these intimate features to Lily, Lily knew she was “really a woman all along”.⁸

In LILY, I think it is reasonable to view Lily as being charged with deception, not make-believe: Chris sincerely believes that she is a woman. I also think that it is fairly reasonable to view this deception as trans-specific, one that Lily is charged with partially in virtue of being trans—more on this later. However, she does not seem to be charged with sex-based deception: she does not misrepresent her sex (or her genital status, or her sexed body, etc.), via her gender presentation. Indeed, unlike standard trans-specific cases of sex deception, she is not viewed as “really having been a man all along” but is instead somehow viewed as always having been a woman. So, why does Chris charge her with deception—why does he claim that he *lied* to her?

I submit that what is going on in cases like LILY is that Lily is being charged with a kind of non-sex-based intimate deception, or a kind of deception that involves a non-sex-based intimacy violation. In particular, I claim that Chris charges Lily with a non-sex-based intimacy violation because Chris would not have morally consented to sharing intimate information with Lily had he known certain further purported facts about Lily. It is helpful here to think of general, non-trans-specific instances of sexual intimacy violations, where one deceives another into engaging in a sexual act by misleading them about certain sexually relevant features of oneself.⁹ In these instances, one violates another’s sexual consent because they intentionally deceive the other into thinking that they lack a

⁸ I make two assumptions here (and throughout the paper): (i) one can stand in an intimate relation with another without also standing in a romantic or sexual relation with them, and (ii) intimate relationships are characterized by the performance of intimate acts, which consists in the exposing of an intimate feature (see Gunkel (2024) for an explicit argument in favor of this features-first view, and see, e.g., Bettcher (2014a) and (2025) for examples of this view being assumed in this literature). I take the first to be uncontroversial. The second is less so. One reason in favor of accepting (ii) is that it captures what all the double binds that I will be discussing have in common: they are all double binds that involve the exposing of an intimate feature. However, one can still reject this second assumption—say, if one instead accepts a relationships-first view (again, see Gunkel (2024) for a breakdown of this taxonomy)—without needing to reject the existence of these double binds or their structural similarities, since then there will be intimate and non-intimate instantiations of each of these double binds. To those, they can understand me as speaking throughout instead of intimate* double binds, or double binds that are intimate* in virtue of involving the exposing of an intimate* feature.

⁹ For more on the ethics of sexual deception (or “sex-by-deception”) and sexual consent, see, e.g., Dougherty (2013), Manson (2017), and Brogaard (2022).

dealbreaker, or a feature of the sexual scenario that the other is sexually opposed to (Dougherty 2013). So, for instance, if one deceives another into sex by pretending to be another’s spouse, then, since spousal impersonation is clearly a dealbreaker for many (I hope!), one violates another’s sexual consent, and so engages in sex-based deception.

If non-sex-based intimate deception works similarly, then which of Lily’s non-sex-based intimate features does she purportedly hide from Chris—which of her features are non-sex-based intimate dealbreakers? I claim that what she purportedly hides from Chris is that she *identifies* as a woman, where this is a feature about her psychological orientation towards certain (female) gender norms.¹⁰ That is, she deceives Chris, not into thinking that she has a male sex, or genitalia (contrary to the classic model), but rather into thinking that she has a male (gender) identity. Because gender identity is an intimate feature of oneself, this is what makes this a kind of *intimate* deception. Also, because gender identity is a psychological, non-sex-based feature of oneself, this is what makes this a kind of *non-sex-based* intimate deception. And, because trans people are generally taken to have gender identities that can “misalign” with their sex, this is what makes this a kind of *trans-specific*, non-sex-based, intimate deception.

This final point is worth emphasizing. There are many cases of non-sex-based intimate deception: deceiving a wealth-seeking friend into thinking that you are wealthy, deceiving a fun-seeking student into thinking that you are a fun professor, deceiving a success-seeking parent into thinking that you are a successful philosopher. However, the reason why it matters that the kind of intimate deception that Lily is charged with is trans-specific is because I think that these charges are *transphobic*, or unjust charges towards trans people like her.¹¹ If so, then this demonstrates the limitations of the classic sex deceiver, sex make-believer double bind model, since Lily experiences a kind of transphobic treatment as a deceiver that this model cannot explain.¹²

Before I argue for the sense in which these trans-specific charges are unjust, however, I want to say a bit more to motivate cases like LILY—for thinking that LILY-like cases actually occur.

Section II: Attitudes About Gender

II.I Ideological Beliefs and Unjust Treatment

One might grant that, in LILY, Lily is not charged with sex-based deception or sex-based delusion, but is instead charged with a kind of trans-specific, non-sex-based, intimate deception, but still object that cases like LILY are too artificial: people like Chris simply do not exist! However, I think cases like LILY are not just actual, but are more common than one might think, mainly because I think that the “natural attitude” about gender—what members of mainstream American society believe about gender—is no longer simply a belief about an invariant sex status. Instead, I think that, for a growing number of people, gender is instead determined by an invariant gender identity.¹³

It would be helpful here to invoke a commonly accepted framework for understanding the relationship between ideological beliefs and unjust treatment (see Fig. 1). An ideological belief is a shared belief that supports an ideology, where an ideology consists in a set of shared beliefs, judgments and patterns of reasoning that function to generate and sustain a system of oppression (Shelby 2003,

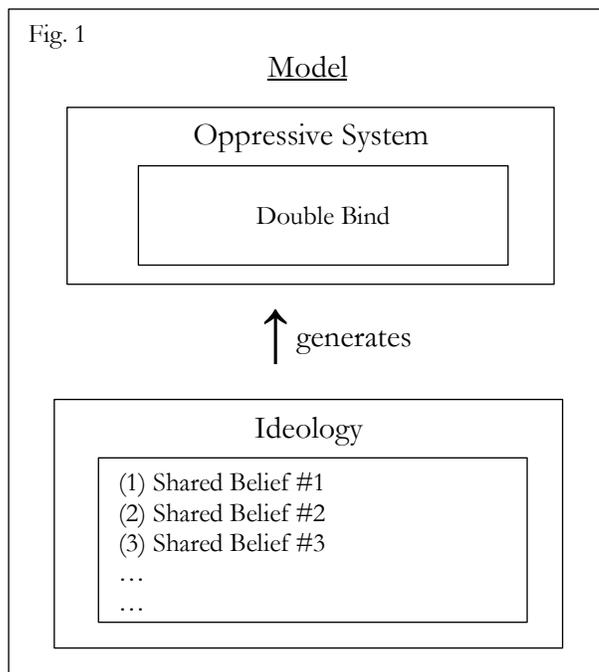
¹⁰ I assume here Jenkins’ popular (2016, 2018) norm-relevancy conception of gender identity.

¹¹ One might object that these charges are better understood to be *misogynistic* rather than transphobic, and that LILY is instead better understood as a case of misogyny rather than transphobia. However, while I do think that misogyny is likely partially to blame here, I disagree that this is *all* that is going on: one can simply gender-swap Lily and Chris’ genders to see that it is the purported hiding of a “misaligned” gender identity that is ultimately doing the relevant explanatory work. (See Dembroff (2023) for more on how to distinguish overlapping systems of oppression.)

¹² However, see Section IV.III for a potential alternative sex-based model that might be able to explain this.

¹³ In other words, I claim that the “natural attitude” about gender has changed since the writing of Bettcher’s (2007) paper.

Haslanger 2017).¹⁴ Systems of oppression themselves consist in the unjust treatment of certain social groups, with double binds being a special kind of unjust group-based treatment (Frye 1983, Hirji 2021).^{15, 16}



Applying this framework to the classic sex-deceiver, make-believer model is instructive (See Fig. 2). The familiar “natural attitude” about gender is a shared belief: it is the belief that *sex is invariant and determines gender* which is shared by many in mainstream society. This shared belief is ideological because it supports a particular gender ideology, one that also includes (among other things) the belief that *gender presentation represents sex*.¹⁷ This gender ideology then functions to generate and sustain (among other things) the unjust treatment of trans people as either sex deceivers or sex make-believers.

Furthermore, if there is reason to think that some trans people as a social group now instead face a different kind of unjust treatment within mainstream society, then this must be because of a change in the gender ideology, which itself must be because of a change in the gender-based ideological beliefs of members of the mainstream. As I first suggest in Section I, I think some trans people do

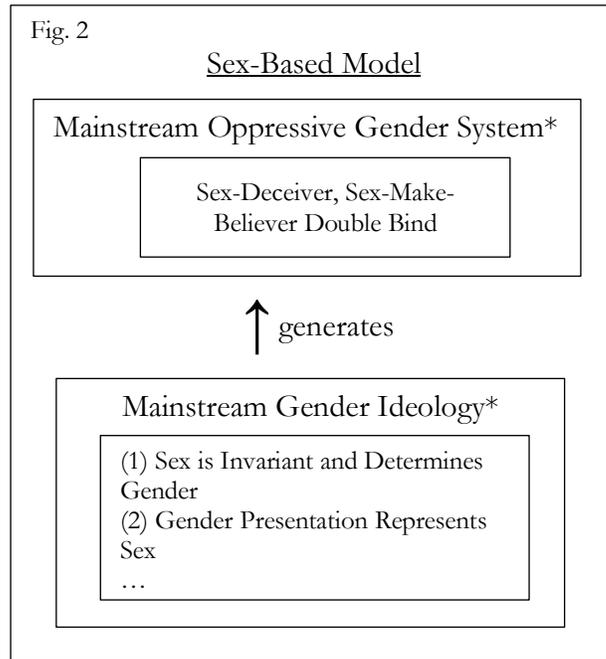
¹⁴ This is often viewed as a critical-theoretic conception of ideology, since it builds in the falsity of the relevant beliefs. While I am partial to this since I think that the underlying beliefs here are false, as I show in Section III.II, this is ultimately not necessary to generate the kind of unjust treatment I am aiming to describe here.

¹⁵ Theorists differ here on the exact nature of double binds. For instance, Frye (1983) suggests that double binds are situations where any option exposes one to “penalty, censure, or deprivation”, whereas Hirji (2021) precisifies this by arguing that double binds are situations where the options consist in either cooperating with or resisting an oppressive norm, and in which, no matter what one does, one becomes “a mechanism in their own oppression” (ibid.).

¹⁶ Moreover, if to be treated as a member of some social kind is sufficient to be socially constructed as that kind (Ásta 2018), then double binds also function as mechanisms of unjust social construction (Jenkins 2020). However, since I do not want to complicate this framework further, and since I can make my arguments without it, I omit this further aspect of oppressive systems.

¹⁷ To be clear, in much of what follows, I use ideological “belief” broadly to denote either a kind of ideological belief, judgment, or pattern of reasoning. So, while the “natural attitude” about gender is, strictly-speaking, not an ideological *belief*, it is still a widely shared mental state or disposition that plays an ideology-supporting and system-generating role, which is all that matters for my purposes.

instead face a different kind of unjust treatment—following LILY, I think some trans people are instead unjustly treated as non-sex-based intimate deceivers—and I think this is because of a change in the gender ideology, which is itself the result of a change in the gender-based ideological beliefs of members in the mainstream. And, as I mentioned at the start of this section, I think this change consists in the shared rejection of the belief that *sex is invariant and determines gender* and in the shared acceptance of the belief that *gender identity is invariant and determines gender*. Here are some reasons to think that this is the case.



II.II “People Have Changed!”

First, I do think that what little direct empirical evidence there is does show that, at least among several social groups, it is not widely believed that one’s birth-assigned sex uniquely determines one’s gender. For instance, according to a 2022 poll by the Pew Research Center, most Democrats (86%), half of young adults (50%), and nearly half of Asian (48%), Hispanic (43%), and college educated adults (45%) say that one’s gender can be different from their sex assigned at birth (Parker, Horowitz and Brown 2022). Since most of those that said this also had positive views on the need to respect trans people’s self-identifications, it seems fairly safe to assume that those that said that sex does not uniquely determine one’s gender said so because they think that gender identity can sometimes determine one’s gender.¹⁸ It also seems likely that the exponential increase in trans awareness and visibility in the past couple decades has likely contributed to this societal change, even if only marginally so.¹⁹

Second, I think that some of those that believe that gender identity can determine one’s gender also think that one’s gender identity is an invariant feature of oneself. For instance, some might

¹⁸ The survey also makes clear that it is surveying issues relating to (among other things) gender identity, and that a trans woman is a person “assigned male at birth who identifies as a woman” (ibid.).

¹⁹ One might worry that, since the start of Trump’s second term, reactionary thinking has seen a resurgence. However, since I do think it is plausible that this has also led to a noticeable rise in more trans-inclusive thinking among (at least some) progressives, and since I am merely making the claim that, among certain social groups in mainstream society, the “natural attitude” about gender has changed, then this does not undermine my argument here.

subscribe to the “wrong-body” model of trans-ness (or of being trans), where what it is to be trans is to have a mismatch between one’s gender identity and one’s sexed body. On a strong interpretation of this model, one’s gender identity is an invariant feature of oneself: one is not just born with a particular sexed body, but also with a particular gender identity (Bettcher 2014b).²⁰ According to this view, trans people are *born* with this mismatch in sexed body and gender identity: they are people born into the “wrong” body (ibid.). While this view is not as popular with trans people as it used to be (ibid.), I think that some in society might find it plausible, especially given some recent research on purported “male” and “female” brains, including some that suggest that trans people’s brains, prior to any hormone replacement therapy, resemble more closely the brains of those with a similar gender identity than those with a similar birth sex assignment.²¹ If this is believed, then this gives one reason to think that, just like how lesbian, gay, and bisexual people are born with their sexual orientations, so too are trans people born with their gender identities.²²

Third, I also think that there are cases of non-sex-based intimate deception within sexual and romantic relationships that only make sense if the accuser believes in an invariant gender identity that determines one’s gender. For instance, while some respond to their sexual or romantic partner coming out as trans by ridiculing them (i.e., charging them with sex-based make-believe), some instead respond by first accepting their partner’s claim to their identified gender but then by charging them with betrayal or deceit.²³ These feelings of betrayal and deceit seem to come from the belief that, if, say, one’s husband now “feels like a woman”, then that is something that should have been communicated sooner, since that is the kind of information that one ought to know about their partner. Indeed, this charge of betrayal might even seem especially justified if one’s partner says that they first worried that they might have been trans early on in the relationship but that they hoped these thoughts would “go away” if they only worked more, or got married, or had children, and so on.²⁴ While these scenarios are undoubtedly emotionally and morally complex, I claim that what is going on in at least some of these cases of supposed betrayal or deceit is that one is being accused of always having felt like the gender they identify as, and that the failure to inform one’s partner of this is tantamount to betrayal or deceit. If so, then since this sense of betrayal or deceit clearly does not seem to be based in any fact about an invariant sex (or genital status, or sexed body), but rather in a fact about an invariant gender identity, then these also appear to be cases of trans-specific, non-sex-based, intimate deception.

For these reasons, I think that some in the mainstream now believe that gender is instead determined by an invariant gender identity. I also think that, among those that hold this belief, the role that gender presentation plays is not one of representing sex, but rather the more familiar role of representing, communicating, or expressing, gender identity. In other words, if, say, one behaves,

²⁰ I do think that some in society might thus treat gender identity in the same way that they treat sexual orientation (or, more precisely, sexual identity (Andler 2021)), which might itself generate a very similar kind of sexual-identity-based double bind for, say, gay and lesbian people, one that is structurally similar to the gender-identity-based double bind for trans people that I articulate later. I explore this further in Section IV.II.

²¹ See, e.g., Ryali, Zhang, et.al. (2024), for more on purported differences between male and female brain functioning, and see, e.g., Kurther, Gaser, et. al. (2022) for more on purported similarities between trans women’s and cis women’s brains.

²² I want to make clear that I am not claiming that the “wrong-body” model is the right model for understanding trans existence (I do not think it is—see Section III.I for more on this), or the right model for trans feminist theorizing (I do not think it is—see, e.g., Bettcher (2014b) and Dembroff (2019) for more on this), but rather that it is *a* model that some in the mainstream believe. Ditto for any purported differences between “male” and “female” brains.

²³ While there is, to my knowledge, little to no recent academic research on the reactions of those with partners that end up coming out as trans, there are various news articles (e.g., “Coping when husband comes out as trans” (Hax 2016)), blog posts (e.g., “2 Scenarios Which Explain Why You Feel Betrayed by Your Partner Coming out as Trans?” (Zhikhareva 2020)), online forums (e.g., the ‘r/mypartneristrans’ subreddit), and self-help books (e.g., *The Trans Partner Handbook: A Guide For When Your Partner Transitions* (Green 2017)) on this.

²⁴ These narratives are more common among older trans people.

dresses, or otherwise acts in accordance with male gender norms, then one communicates that one thinks of oneself as a man—one’s male gender presentation expresses one’s male gender identity.

Recognizing that some believe that *gender presentation represents gender identity* is not new: indeed, something like this belief arguably partially explains the charge of sex-based make-believe in the classic model (e.g., “he *thinks* he’s a she!”). However, it is only when this is paired with the belief that *gender identity is invariant and determines gender* that the charge of non-sex-based intimate deception in LILY can be explained.²⁵ The reason why Chris thinks that Lily deceives him is because he initially believes that, in virtue of Lily’s (pre-“coming out”) closeted male gender presentation, Lily has a male gender identity.²⁶ However, when Lily comes out to Chris, Chris is forced to revise this belief and instead comes to believe that Lily has a female gender identity. However, since Chris thinks that gender identity is something one is, say, born with, he comes to believe that Lily *always* had a female gender identity, and yet kept this seemingly relevant feature of herself hidden from him. Indeed, in light of this, it is more accurate to call these kinds of charges of trans specific, non-sex-based, intimate deception *gender identity deception*, and that trans people like Lily are therefore constructed as *gender identity* deceivers. I adopt this naming convention in the rest of what follows.

Section III: Gender Identity Deception and Injustice

III.I Falsity and Harm

So, to take stock: I have argued that some in the mainstream now reject the natural attitude about gender and instead believe that *gender identity is invariant and determines gender*. This shared belief is ideological because it supports a distinctive mainstream gender ideology, one that also includes the belief that *gender presentation represents gender identity*. It is in virtue of the shared adherence to this gender ideology that then generates and sustains the treatment of trans people as gender identity deceivers. Put differently, I have argued for thinking that LILY-like cases are not just possible, but are actual and more pervasive than one might think.

However, I also claim that this treatment, the charge of gender-identity deception in LILY-like cases, is *unjust*. It is unjust because it is simply false that trans people always have the relevant conceptual tools to be able to discern their gender identity—it is simply false that trans people always know that they are trans.²⁷ It is also false that gender identity is invariant: there is reason to think that one’s gendered sense of psychological self is, like other aspects of one’s self, responsive to experience

²⁵ The pair of these two beliefs also offers a further explanation for why some in trans partnerships decide to terminate the relationship (setting aside the feeling of betrayal): if, upon coming out, one comes to believe that one’s trans partner has a gender identity that is in misalignment with their typical gender presentation, then, because gender presentation is supposed to express gender identity, one expects one’s trans partner to change their typical gender presentation. However, if one thinks one’s partner’s gender presentation is one of the reasons for why they love them, then a change in this feature may affect whether they will still love them. If one thinks that one’s love for their trans partner will diminish or even cease as a result, then deciding to terminate the relationship may thus seem rational by the accuser’s lights.

However, this is only rational if something like a simple nonrelational property view of love is correct, according to which one loves another partly because they value their aesthetic nonrelational properties, such as their masculine gender presentation (Platos’ view of love in the *Symposium* seems partial to this—see Vlastos (1972) for further discussion). However, if other views of love are instead correct—e.g., loving someone because one values their moral nonrelational properties (Velleman 1999, Abramson and Leite 2011), loving someone because one values their unique relationship to them (Kolodny 2003), loving someone because of the unique value one bestows unto them (Singer 2009, Hershfield 2022)—then terminating the relationship for this reason would instead be irrational.

²⁶ It is important to note that gender presentation does not just involve what one wears or how one behaves, especially when discussing its gender-identity-representational aspect: as I am using it, even something like one’s verbal or written pronoun preference is part of one’s gender presentation or “look” that communicates one’s gender identity (see, e.g., Dembroff and Wodak (2018) for more on this point).

²⁷ This can be due to, among other things, hermeneutical marginalization and injustice (Fricker and Jenkins 2017).

and can thus change over time (Saketopoulou and Pelligrini 2023).²⁸ And, even if a trans person has an invariant, consciously available gender identity, it is false that this must be what determines their gender: it can instead be determined by a gendered sense of embodiment, or by gender “feels” (Briggs and George 2023). Indeed, for these, and other, reasons, some theorists think that the concept of a gender identity is ultimately unhelpful in explaining trans people’s genders—a cis-normative relic of outdated trans-sexological theories, including those that birthed the “wrong-body” model—and that trans people ought to substantiate concepts that better explain their lived experiences instead (Bell and Hernandez 2025).

Also, these charges of gender identity deception are unjust because they can, among other things, constitute various kinds of harms towards trans people.²⁹ First, they can constitute acts of epistemic gaslighting (Abramson 2014) against trans people by making them falsely believe that they always knew who they “really” were, and that they thus knowingly committed the intimacy violation. This gives rise to a surprising new connection between harm and gender-affirmation. In the classic cases involving charges of sex-based deception, trans people are harmed *because* they, among other things, have their gender identifications *denied*: their epistemic authority over their gendered sense of self is explicitly undermined.³⁰ However, in cases involving charges of gender identity deception, there is no such gender identity denial. Rather, trans people are instead harmed *despite* having their gender identifications *affirmed*: they are accepted as their “authentic self” but at the cost of having some of their other epistemic capacities questioned. This is an insidious form of transphobia: because it comes with the kind of gender affirmation that many trans people desire from the mainstream—you *really always were* who you now say you are!—the trans target might be tempted to accept the accuser’s otherwise false charge. However, if they do, then they must accept that, contrary to what they believed, they *really did* deceive, lie to, or betray an intimate other, and that they *really are* a deceiver, liar, or betrayer.³¹ Perhaps some might see this as an improvement: is it not better, for a trans woman, to be viewed as a deceitful woman rather than a deceitful man? However, I disagree: because the epistemic harm here is covert, it provides the accuser with plausible deniability, and thus threatens to perpetuate the harmful deceiver stereotype even further.

Second, they can constitute acts of emotional gaslighting (Sodoma 2022) or misinterpretation (Pismenny, Eickers and Prinz 2024) against trans people by making them misinterpret their feelings of, say, fear and anxiety at coming out to someone they care about as feelings of guilt and shame for engaging in a supposedly deceptive act. As both the classic cases and my cases show, coming out, especially to a significant other, can be an emotionally difficult decision to make. These emotions are further intensified if one fears that coming out can have tragic and even violent consequences for their lives. However, as my cases show, the accusatory reaction of the intimate other can lead to a misinterpretation of the trans person’s emotions. This emotional harm is similar in kind to that faced by, for instance, black women in healthcare contexts (e.g., their feelings of intense pain are misinterpreted as feelings of mild discomfort), and women more broadly in romantic contexts (e.g.,

²⁸ A familiar point is made by those that theorize on the fluidity of gender identity, or of gender *qua* gender identity (e.g., Butler 1990, Bornstein 1994, Dembroff 2020), especially those theorizing from non-Western and decolonial perspectives (e.g., Wayar 2024).

²⁹ For the sake of space (and neutrality), the arguments that I consider here do not assume, for instance, epistemic partiality norms on friendship (e.g., Keller 2004, 2018, Dormandy 2022), such as norms that dictate that, within friendships, you sometimes ought to believe against the evidence if it benefits your friend. However, if one does assume this, then this clearly provides another avenue for establishing the injustice of the kinds of charges I am concerned with here.

³⁰ While Bettcher (2009) only argues that we have an ethical first-person authority over our gender, others have more recently argued for the stronger claim that we also have an epistemic first-person authority over our gender (e.g., Logue 2022, Ashley 2023).

³¹ This dilemma scenario fits particularly well with Kirk-Giannini’s (2022) *dilemmatic* conception of epistemic gaslighting.

their feelings of disgust or anger are misinterpreted as feelings of romantic or sexual interest) (ibid.) Also, even if the trans person's emotions are correctly interpreted, they can still be discounted: if the accuser thinks of trans people as generally untrustworthy, then, while they may recognize their feelings of fear and anxiety, they still may unjustly provide less weight to them.

Lastly, they can constitute acts of intimate injustice against trans people by undermining their capacity as intimate agents—as people that can enter into intimate relationships. If, as the classic cases show, being “in the closet” counts as a form of deception, and if, as my cases show, coming out counts as a form of betrayal, then what is a closeted trans person to do? It seems like the only “right” thing for a closeted trans person to do is to cease being in intimate relationships altogether—to cease being intimate with others. This sort of injustice can also be understood as a manifestation of a kind of *stereotype threat*, or the threat of being treated in terms of a harmful or false stereotype by engaging in acts that can serve to confirm it (Steele, Spencer, and Aronson 2002). McKinnon, for instance, argues that stereotype threat for trans women often manifests as *situational avoidance*: for instance, some trans women might intentionally avoid using public bathrooms out of the mere threat of being viewed as perverts, and some might avoid being firm or assertive in a discursive context out of the mere threat of being viewed as too masculine (2014).³² Building off this, I claim that *any* trans person can face an intimate-deceiver stereotype threat, and that this can manifest as *intimacy avoidance*, or in the avoidance of intimate acts or relationships. Thus, trans people in these cases are often unjustly alienated from their intimate agency.

III.II Variant LILY Objection

So, I think that these charges are unjust charges against trans people. However, one might still worry that I have not shown that all such charges are always without merit. For instance, in a variant LILY case, perhaps variant Lily *did* in fact know for some time that she identified as a woman and that she did keep this from Chris despite knowing of Chris' gender-based beliefs. Or perhaps, given the existence of norms on friendships and partnerships, such as the norm that partners or close friends ought to share certain intimate, gender-based details, like what one's gender identity is, then *all* people, not just trans people, are expected to share such intimate details with an intimate other. If so, then variant Lily *should have known better*, and so should be (at least partially) blameworthy as a result. If any of this is right, then this threatens my claim that these charges of gender-identity deception are unjust, and, therefore, not really cases of trans oppression.

Two points in response. First, on the proposed variant LILY case: I have no issue with accepting such cases. However, these variant cases are still unjust insofar as they still inflict unnecessary harm towards their trans target. So, for instance, even if variant Lily did in fact temporarily withhold her female gender identity from Chris, it would still be wrong of Chris to epistemically or emotionally gaslight variant Lily with his actions, such as by making it so that variant Lily either comes to believe something false about her gender identity (e.g., that she “always knew” that she was trans) or comes to misinterpret her own emotions. Indeed, this is often *why* trans people like variant Lily decide to withhold this information in the first place: while they would prefer to share these intimate details with an intimate other, they often fear more the potential harms that might be inflicted by it and therefore decide against doing so.³³ If so, then the intent of variant Lily is not to mislead, but rather to prevent unnecessary harm. Therefore, even if it is foreseeable that intimate others like Chris will

³² McKinnon notes (and I agree) that, even if a stereotype is false (e.g., trans women are perverts), and even if the individual knows that it is false, stereotype threat can still manifest: what ultimately matters is whether others are aware of the stereotype and if others think that it ought to apply to the individual (2014).

³³ See, e.g., Cooley, MacLachlan, and Sreedhar (2012) for a more general discussion on the ethical demands of “coming out” for LGBTQ+ individuals.

feel misled, it would still ultimately be wrong to blame variant Lily for this act of deception. And, second, if there are such norms that dictate that one ought to tell one's friend or partner about one's gender identity, this certainly does not entail that this norm is itself just. If, like many other gender-based norms, it is not, then one should not be blamed for choosing to act against it.

Section IV: Double Binds

IV.I Gender Identity Deceiver, Gender Identity Make-Believer Double Bind

So, for these reasons, I claim that these are unjust, or transphobic, charges of gender identity deception against trans people in LILY-like cases. So, contrary to the popular assumption, transphobic charges of deception do not always consist in unjust charges of sex-based deception, since it can also consist in unjust charges of gender identity-based deception, or deception involving the misrepresentation of one's gender identity. This thus shows the limitations of the classic sex-based double bind model, since Lily experiences a kind of transphobic treatment as a deceiver that it cannot explain.

However, I do think that an analogous, but explanatorily sufficient, double-bind model can be reverse engineered. First, recall that a double bind is just a special kind of group-based unjust treatment, one where, no matter what one does, one further reinforces their own oppression. As the classic model shows, a trans person faces a sex-deceiver, sex-make-believer double bind when they must make a "choice" about whether to misrepresent their sex via their gender presentation: they can either successfully misrepresent their sex and be consequently treated as a sex deceiver, or they can fail to misrepresent their sex and be consequently treated as a sex make-believer.³⁴ As I have just argued, I claim that a trans person is treated as a gender identity deceiver when they successfully misrepresent their gender identity via their gender presentation. However, this raises the question: can a trans person be accused of "failing" to misrepresent their gender identity via their gender presentation? And, if so, is this also a form of unjust treatment?

At first glance, this seems incoherent: how can one be charged with "pretending" to have a particular gender identity if thinking of oneself as a particular gender is sufficient to identify as such? However, consider the following case:

SAM: Sam is a young trans man that has recently come out to her mother, Maria. Maria believes that only people that experienced intense gender dysphoria during early childhood have a valid transgender identity. Upon coming out to her, Maria remarks, "I am fine if you want to start dressing or acting differently. However, if you really were a man, then you would've shown signs of it sooner. Yet you always dressed, acted, and behaved like all the other girls. *I think you're just confused.*"

We can suppose further that Maria's gender-based beliefs are such that she thinks only those trans people with childhood gender dysphoria diagnoses are really the gender they say they are, or that only those trans people that communicated their desire to "be" another gender since childhood to their friends or family are really the gender they say they are. What is worth noting is that: (i) Sam and Maria bear some intimate (gendered) relation, and (ii) Maria believes that, when Sam is disclosing this intimate information to Maria, he is really "just confused" about the intimate features he actually has.

In SAM, Sam is clearly charged with a kind of make-believe. However, he is not charged with sex-based make-believe: he is not charged with misrepresenting his sex (or genital status, or sexed body). Rather, I claim that he is charged with a kind of trans-specific, non-sex-based, intimate make-believe: he is charged with failing to misrepresent a male gender identity via his gender presentation

³⁴ These are "choices" insofar as one seems to have autonomy over their gender presentation, but are ultimately constrained or "imperfect" (to borrow Hirji's (2021) terminology) since it is impossible for them to choose a non-misrepresentational gender presentation.

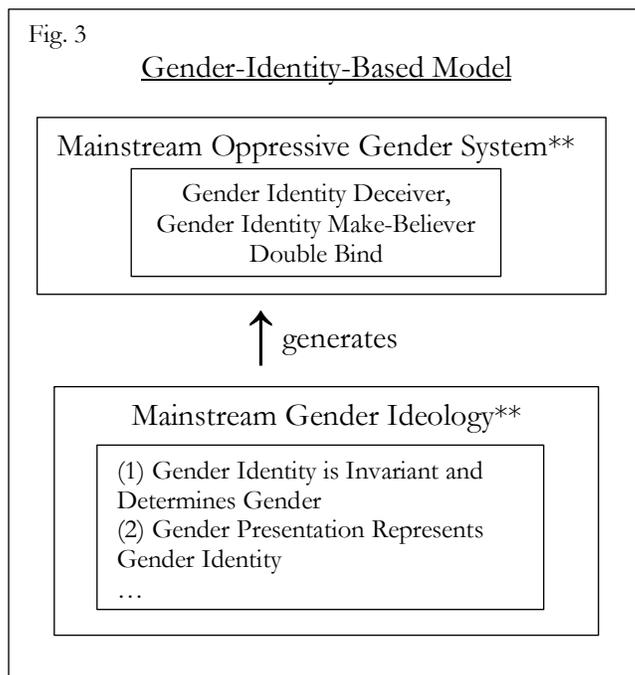
to an intimate other. Put differently, he is charged with pretending to have a male gender identity; he is charged with (male) *gender identity make-believe*.

While SAM-like cases might be more difficult to initially wrap one’s mind around, they clearly are possible—SAM is a coherent case. Also, since the ideological beliefs necessary to generate SAM-like cases are the same as those necessary to generate LILY-like cases (i.e., that *gender identity is invariant and determines gender*; that *gender presentation represents gender identity*), and since I have already shown that LILY-like cases are actual and more pervasive than one might think, it is predictable that SAM-like cases may also soon be actual and more pervasive than one might think. And, since such charges of gender identity make-believe are false and harmful for many of the same reasons that charges of gender identity deception are, then charges of gender identity make-believe are transphobic charges, or unjust charges against trans people.³⁵

So, trans people can indeed be accused of failing to misrepresent their gender identity via their gender presentation, which itself is a form of unjust treatment. Combining this with my claim about gender identity deception, the following double bind is revealed:

Gender Identity Deceiver, Gender Identity Make-Believer Double Bind: trans people either count as gender identity deceivers by successfully misrepresenting their gender identity via their gender presentation, or they count as gender identity make-believers by failing to misrepresent their gender identity via their gender presentation.

I submit that this model captures the special kind of unjust treatment that trans people currently face whenever they come out to an intimate other that believes (i) that gender identity is invariant and determines gender, and (ii) that gender presentation represents (or communicates, or expresses) gender identity (see Fig. 3).



Accepting this model has several consequences. First, it straightforwardly entails that it is false that transphobic charges of deception always consist in transphobic charges of sex-based deception,

³⁵ For instance, the relevant ideological beliefs are still false, and it can still cause epistemic, emotional, and intimate harm to their trans targets.

and that transphobic charges of make-believe always consist in transphobic charges of sex-based make-believe. So, there is more to the transphobic deceiver and make-believer stereotypes than many have typically thought, since merely charging a trans person with deception or make-believe no longer entails that they are being charged with (successfully or unsuccessfully) misrepresenting their sex. Or, to put it differently: there is not just one kind of transphobic double bind that concerns purportedly deceiving or make-believing about only one of our intimate features (sex), but there are actually (at least) two kinds of such double binds, each of which concerns purportedly deceiving or make-believing about two distinct intimate features (sex and gender identity). In other words, accepting this model entails the existence of multiple *intimate* kinds of transphobic double binds.

Second, this model, together with the classic sex-based model, entails two distinct kinds of cis-passing. Under the classic model, for a trans person to pass as their cis counterpart is for them to “look like”, and consequently be mistaken for, their cis counterpart, where looking like their cis counterpart consists in looking like one has a (sexed) body like that of their cis counterpart.³⁶ Call this cis *sex*-passing. However, under my model, for a trans person to “look like” their cis counterpart is instead for them to look like they have a (gendered) psychological orientation like that of their cis counterpart—to look like they “think like” their cis counterpart. Call this cis *identity*-passing.

It is worth noting that cis identity-passing, as I describe it, is different from what Snorton (2009) calls the “psychic life” of passing. Whereas Snorton is focused on clarifying the internal psychological process that accompanies the external social misrecognition aspect of cis sex-passing, I am instead merely concerned here with identifying another kind of external social misrecognition. As a result, not only is what I say here distinct from, yet consistent with, Snorton’s claims about the psychic life of cis sex-passing, it also points towards future work on what could be called the “psychic life” of cis identity-passing—on the internal psychological process that accompanies the external social misrecognition aspect of cis identity-passing.

Besides this theoretical benefit, identifying these two kinds of cis-passing is also useful for ameliorative purposes. Currently, trans people feel the pressure to cis-pass, primarily to avoid the immediate gender-invalidating harm of being unjustly treated as a sex make-believer.³⁷ As a result, many think that, if we ameliorate the mainstream gender ideology that generates and sustains this unjust treatment, then the pressure to cis-pass will be eliminated. However, if this gender ideology is instead replaced with, for instance, the one that generates the gender identity deceiver, gender identity make-believer double bind, then this thought is at best mistaken: all that will be eliminated will be the pressure to cis sex-pass. However, trans people will still feel the pressure to cis identity-pass: they will still feel the pressure to look like they think like their cis counterpart to avoid the immediate gender-invalidating harm of being unjustly treated as a gender identity make-believer.³⁸ And, insofar as no one ought to feel any pressure to dress, behave, or act in a certain gendered way in order to avoid unjust treatment, then theorists ought to be careful to avoid replicating this pressure under a new guise.

IV.II Intimate Kinds of Identity-Based Double Binds

Third, accepting this model ought to make one aware of many other similar intimate kinds of identity-based double binds. While trans people are particularly susceptible to unjust charges of gender-identity-based deception and make-believe, and while these charges are particularly potent in virtue of

³⁶ I use ‘cis counterpart’ rather than ‘cis person’ since what counts as cis-passing for, e.g., a trans man, is not for him to be mistaken as any kind of cis person, but rather for him to be mistaken for a cis *man*.

³⁷ This is in comparison to the *distant* gender-invalidating harm that will eventually come with being “outed” as a sex deceiver (Bettcher 2007, Hirji 2021).

³⁸ This is in comparison to the immediate gender-*affirming* harm that will come with being “outed” as a gender identity deceiver (see Section III.II for more on this).

current aggravating sociopolitical factors, members of other social groups can also face a kind of identity-based deceiver, make-believer double bind. For instance, it is plausible that people with certain marginalized sexual identities (e.g., gay, lesbian, bisexual sexual identities) can be unjustly treated as either *sexual identity deceivers* or *sexual identity make-believers*.³⁹ For instance, a gay man is unjustly treated as a sexual-identity deceiver when he is unjustly charged with deceiving others about the androphilic sexual preferences he identifies with. Applying some of what I say on identity-passing, such charges can be made on the basis of his “looking like” he thinks like a straight man (e.g., by dressing in conventionally masculine clothing or having masculine mannerisms; by never explicitly sharing his sexual preferences in conversations) in contexts where an intimate other would never have revealed certain private information had they known about their “true” identity. Analogously, a lesbian (or bisexual) woman is unjustly treated as a sexual-identity make-believer when she is unjustly charged with merely pretending to identify as someone with gynophilic sexual preferences. These charges can be made on the basis of her failing to “look like” she thinks like a lesbian woman (e.g., by dressing in conventionally feminine clothing or having feminine mannerisms; by never explicitly sharing her sexual preferences in conversations) in contexts where she is attempting, but failing, to persuade an intimate other about her “true” sexual identification. Moreover, the injustice of these charges can still be grounded in either their falsity (e.g., it is false that gay, lesbian, and bisexual people always know that they are gay, lesbian, or bisexual) in their inflicting of unnecessary harm (e.g., it can still cause epistemic or emotional gaslighting; it can still undermine their capacities as intimate agents), or in their acceptance of harmful or oppressive intimacy-based norms (e.g., that intimate others are entitled to know about our sexual identities), among other things.⁴⁰

While the phenomenon of identity deceivers and identity make-believers might be most familiar in the realm of sexual identities, there is no reason to think it only emerges among gender and sexual minority groups. For instance, members of some religious groups may face a *religious identity deceiver*, *religious identity make-believer* double bind when they are unjustly charged with either successfully or unsuccessfully misrepresenting their religious identity via their religious presentation. This can happen when, say, a closeted Muslim adolescent comes out to her Jewish parents and, in virtue of always obeying her parents’ religious customs and manner of dress, is charged with deceiving her parents by misleading them about what she *always* believed all along, or when that same closeted adolescent is instead charged with merely being confused about what she *actually* believes about the divine.⁴¹ Relatedly, members of certain cultural groups might face a *cultural identity deceiver*, *cultural identity make-believer double bind* when they are charged with successfully or unsuccessfully misrepresenting their cultural identity via their cultural presentation. For instance, an indigenous Native American that has experienced a gradual shift away from their indigenous culture and towards the culture of mainstream “American” society (as many first-generation (North) Americans also experience), might be unjustly charged with cultural identity deception by their family for having misled them (say, via their actions, behavior, or manner of dress) about what they *really* think about their culture, or they might be charged with cultural identity make-believe for merely pretending to be an (non-native) “American”.⁴²

³⁹ I follow Andler (2021) here in distinguishing between sexual orientation and sexual identity, which mirrors the now standard distinction between sex and gender—i.e., sexual identity is, in some sense, the “social meaning” of sexual orientation, or one’s self-understanding of one’s sexual orientation within a social network.

⁴⁰ For related work on the ethics of the (in)visibility of sexual identity, and of bisexual identity in particular, see Sedgwick (1990), Alarie and Gaudet (2013), Nelson (2020), and Boncompagni (2025).

⁴¹ These charges are well-documented for those with atheist identities (insofar as it counts as a “religious” identity)—see, e.g., Brewster (2013) and Frost, Scheitle, and Ecklund (2023).

⁴² See, e.g., McKay (2021) for more on the policing of indigenous identity in the United States in particular, and see Donnella (2018) and Mohan (2021) for first-hand descriptions of what some now call “racial imposter syndrome”, or the

Indeed, whenever a collective of the mainstream believe (i) that psychologically identifying as an X makes one a member of social group X, and (ii) that certain appearance-presentational features (again, broadly construed—see footnote 26 for more on this) are taken as representing one’s psychological identification as an X, then those with these psychological identifications may face an X-identity deceiver, X-identity make-believer double bind. To be clear, this is not to equate the severity, pervasiveness, or justifiability of these kinds of double binds: as I suggest earlier, some of these charges may be more (or less) severe, pervasive, or justified than others.⁴³ Rather, the lesson to take here is instead that such double binds can affect *anyone*—anyone, not just trans people, can experience what it is like to have their most intimate identities be policed by such unwarranted accusations—and that we ought to therefore work towards a society where no such unjust charges are levied against anyone of any social group.

IV.III An Alternative Model?

So, I submit that theorists that accept the classic sex-based model and that are persuaded by my gender-identity-based model should thus also accept the existence of many other intimate kinds of identity-based double binds. However, before I end, I want to address one final objection against my proposed gender-identity-based model. One might accept that I have shown, through the cases I present, that there is a new kind of transphobic double bind, and that it is related to the classic sex-based transphobic double bind in that it is also an intimate kind of transphobic double bind. However, one might deny that this new kind of transphobic double bind is as distinct from the classic double bind as I have made it out to be, and that I have therefore misunderstood the actual underlying relation between the two. In particular, one might instead claim that, what all my cases have in common is not that it involves the purported (successful or unsuccessful) misrepresentation of one’s gender identity *per se*, but rather that it involves the purported (successful or unsuccessful) misrepresentation of one’s *moral sex*, or the sex that one thinks one ought to have.⁴⁴

Here is the rough idea: in LILY, the reason why Chris believes that Lily is a woman is not because he simply believes that she thinks like a cis woman (i.e., that she has a female gender identity), but rather because he particularly believes that she thinks she ought to have genitalia like a cis woman (i.e., that she has a female moral sex). And, since she purportedly kept this feature of herself hidden from him, she is therefore charged with *moral sex deception*. Similarly, in SAM, the reason why Maria believes that Sam is not a man is not because she does not simply believe that he does not think like a cis man (i.e., that he does not have a male gender identity), but rather because she does not particularly believe that he thinks he ought to have genitalia like a cis man (i.e., that he does not have a male moral sex). And, since he purportedly merely pretends to have this feature, he is therefore charged with *moral sex make-believe*. If these explanations are plausible, then that is because some in the mainstream instead believe that (i) *moral sex is invariant and determines gender*, and that (ii) *gender presentation represents moral sex*. Also, if these charges are unjust, then this instead generates a *moral sex deceiver, moral sex make-believer* double bind, according to which some trans people are instead treated as moral sex deceivers or moral sex make-believers. If this is right, then a more accurate picture of trans oppression

felt mismatch between one’s cultural, ethnic, or racial (self) identity with the identity that they are perceived as having by others.

⁴³ For instance, it is likely the case that the reason(s) for the unjustifiability of such charges will differ: perhaps some charges of cultural identity deception are unjustified because (among other things) it is false that one can only have one cultural identity at any given time, whereas some charges of religious identity deception are instead unjustified because (among other things) it is false that one’s abiding by certain religious customs entails one’s belief in its accompanying spiritual doctrines.

⁴⁴ I am using Bettcher’s (2025) articulation of moral sex here, which can also be traced back to her earlier (2012).

is one that still remains anchored to sex (and to genitalia in particular), since it is ultimately one's material or moral sex that is the basis for their unjust treatment as deceivers or make-believers.⁴⁵

Three points in response. First, it is worth emphasizing that, even under this alternative model, the psychological is still doing explanatory work, since what grounds one's moral sex, or, rather, what grounds one's belief of another's moral sex, is due to one's identification with having a particular material genitalia, or, rather, with one's perceived identification as such. So, even if this proposed model turns out to be more accurate, it will not undermine my more general claim that there is an unrecognized intimate kind of transphobic double bind, one that seemingly privileges the psychological in some way.

However, second, I think that whether this moral-sex-based model is preferable to my proposed gender-identity-based one is ultimately a matter that will be settled by further, more fine-grained empirical work. Assuming the popular norm-relevancy-based view of gender identity (Jenkins 2016, 2018), the main difference between the moral-sex-based model and my gender-identity-based one is that the moral-sex-based model takes a stronger and more fine-grained stand on which norms a trans person must be taken to identify with to be viewed as their claimed gender. In cases of non-material-sex-based intimate deception, the moral-sex-based model holds that a trans woman in these situations must be taken to *accept* the female gender norm "women ought to have female genitalia", whereas the gender-identity-based model instead merely holds that a trans person in these situations must be taken to *find relevant* female gender norms.⁴⁶ Analogously, in cases of non-material-sex-based intimate make-believe, the moral-sex-based-model holds that a trans man in these situations must be taken to *reject* the male gender norm "men ought to have male genitalia", whereas the gender-identity-based model instead merely holds that a trans person in these situations must be taken to find irrelevant male gender norms. Therefore, which model is more accurate depends on how fine-grained the accuser's conception is, which is ultimately an empirical matter.

However, lastly, since my gender-identity-based model captures all the cases that the moral-sex-based model does, but because it also captures cases that the moral-sex-based model simply cannot, then, given the likely further fragmentation and polarization of the social, I think this is a practical reason in favor of accepting my gender-identity-based model until the relevant empirical data, if ever, arrives.⁴⁷

Conclusion:

In this paper, I have argued that the classic sex-deceiver, sex-make-believer transphobic double bind, despite its continued existence, is no longer the only prominent intimate kind of transphobic double bind: some trans people now also face a gender identity deceiver, gender identity make-believer double bind, where they either count as gender identity deceivers by successfully misrepresenting their gender identity via their gender presentation, or they count as gender identity make-believers by failing to successfully misrepresent their gender identity via their gender presentation. I argued that this is because the "natural attitude" about gender has changed: some in the mainstream now believe that gender is not determined by an invariant sex (or genitalia, or sexed body more generally) but is instead

⁴⁵ In other words, while some in the mainstream have changed (see Section II.II), they have not changed *that* much. Thank you to [redacted] for raising this objection.

⁴⁶ As Jenkins (ibid.) notes, taking a norm to be relevant does not entail acceptance of that norm: just because women find body-hair shaving norms to be relevant to them does not entail that they act in accordance with these norms—a woman can accept that she (*qua* woman) is expected to shave her body hair yet still refuse to do so.

⁴⁷ However, even if the empirical data does eventually reveal that certain, or even all, of my proposed cases turn out to more accurately be cases of moral-sex-based deception or make-believe, then the gender-identity-based model will just turn out to be less precise than this model—it will still be getting something right about social reality, albeit at a higher level of abstraction.

determined by an invariant gender identity. I also argued that this not only shows that there are multiple intimate kinds of transphobic double binds, but that it also more broadly suggests the existence of multiple intimate kinds of identity-based double binds, all of which serve to further police (albeit to varying degrees) already marginalized identities and features of ourselves.

Given all this, a question naturally arises: how can we best address this unjust treatment of many as identity deceivers and make-believers? While I certainly cannot offer a thorough plan of action here, I do want to make three suggestions, at least with respect to addressing the unjust treatment of trans people as gender identity deceivers and make-believers. First, we should recognize that there indeed are intimacy-based norms that not only dictate that we ought to communicate our sex or genital status to others, but that we also ought to communicate our gender identity to others. Since I have shown that both kinds of norms can appear to justify false and harmful charges of intimate deception and make-believe against trans people, then we ought to work towards eliminating both kinds of norms. Second, we should reconsider whether we want gender identity to play the gender-determining role that it currently plays among some within the mainstream. Many who accept the classic sex-based double bind model have held that one way to address the unjust treatment of trans people as sex-based deceivers and make-believers is to push for the widespread acceptance of gender identity as the feature that ought to determine one's gender. However, while this may have helped reduce this kind of unjust treatment, it has also helped generate and sustain the unjust treatment of trans people as gender identity-based deceivers and make-believers. To help guard against this, we should emphasize the dynamicity of gender identity over time, the normativity of gender presentation, the multiple determinants of gender, and the assumed privacy of all our intimate features. Also, even if we eventually decide to get rid of gender identity in favor of other more explanatorily useful concepts (e.g., gender "feels"), we should be careful to not essentialize or reify its substitute, lest we create another intimate kind of transphobic double bind. And, third, we should engage in more "playful" attitudes within our intimate relationships, particularly with respect to that which purportedly grounds the intimacy of such relationships.⁴⁸ Just like how we have learned to get used to not always knowing the genital status of our friends and partners, we should also learn to sit with the discomfort of not always knowing the gender identity of our intimate others. While one may certainly still choose to disclose such information to an intimate other, and while such an act can certainly draw one closer to an intimate other, one should not feel entitled to such information merely in virtue of being an *intimate* other.

Of course, these are only suggestions, and ought to be weighed alongside on-the-ground theorizing and action. Regardless, it is my hope that my proposed model of trans oppression can go some way towards grounding the authenticity of trans life and existence within the mainstream, and that it can spark further interest in ameliorating the situation of the marginalized many as identity deceivers and make-believers—in ridding society of these intimate kinds of double binds.

⁴⁸ I borrow Lugones' (1987) notion of *playfulness*, where one's attitude towards, or perception of, another is not one that seeks to understand the other in one's own terms, but rather in the terms of the other.

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