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Putting the “Judge” in “Prejudice:” Neutralizing Anti-discrimination Efforts Through Mischaracterizing the Motives for Prejudice

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ABSTRACT

In 2018, Kate Manne argued that framing misogyny as hatred of women had the effect of neutralizing efforts to organize against it. She held that criteria for “hating women” were so rarely met that virtually no one could be said to have done so. Taking for granted that the situation against women was unfair, she argued that those who sought to correct the situation should reconceptualize what misogyny means: not as hatred, but rather understood by its perpetrators as righteous punishment for violating a perceived moral code. I argue here that every point she made against “misogyny as hatred of women” is at least applicable to “transphobia as hatred of transgender people.” I say instead that this character of righteous punishment is also well-evidenced in negative responses to the civil advances of transgender people, and invite the reader to consider what this would mean from a policymaking perspective.

KEYWORDS

Prejudice, Discrimination, Ethics, Attitudes, Policy, Sexism, Misogyny, Cisexism, Transphobia

Published in 2018, Kate Manne's *Down Girl* was a series of essays that made several cases for why we should evaluate sexism and misogyny by what they "do" to women (Manne, Aims, 19). She contends that these systems should be understood as crude moral theories protecting male dominance, and the tactics carried out in their service are considered by their perpetrators to be righteous punishments for perceived violations of this moral code. Manne's argument stands in contrast to prior scholarship that emphasizes the role of dehumanization as an explanatory force for sexism, in which perpetrators perceive their treatment as not morally injurious at all on account of not believing women to be capable of being injured in the way they acted, i.e. that they were justified in doing so (Haslinger 102-103). Theories opposing Manne's explanation would explain sexism as an attitude akin to me using my own bike: I have committed no moral wrong in using my bike because "its nature" is to be used; the sexist thinks this to some degree about women, says the dehumanization proponent (MacKinnon 173). Manne notes, however, that the preoccupation with the sexist's attitude towards women means the disputed territory is their private knowledge of their own attitudes—philosophically speaking, all the sexist need do to defeat the charge he views women as objects or hates them is deny it (Manne, Introduction, 33). One objective of her framework then is to reopen diagnoses of misogyny by exploring the political dimensions served by this preoccupation with attitudes, namely that the implausibility of diagnosing an aggressor's attitude contrary to their stated beliefs about themselves renders it difficult (if not impossible) to organize against (Manne, *Threatening Women*, 4).

I'm going to argue that Manne's framework carries significant explanatory power for cissexism and transphobia as well, after reacquainting the reader with the four terms heavily referenced in this paper (sexism, cissexism, misogyny, transphobia). Thus, as I proceed to develop Manne's account as it relates to cissexism and transphobia, I will likewise be questioning the role of dehumanization ("DH") as an explanatory force for discourse and actions hostile to transgender people, instead demonstrating that Manne's framework is highly relevant in this application too. As a brief warning, I do not mean to say that dehumanization, objectification, revulsion, hatred, or other emotive responses form *no* part in prejudice—rather, I will argue that these may be possible tactics used to carry out what is felt to the aggressor as a righteous punishment, rather than "the cause" of the behaviour.

If I (and Manne) are right in this, it can provide a worry for the notion that the prejudices against women or transgender people (or people who are both) are things that can be corrected with education. We suspect the perpetrator knows full well that they inflict an injury; the actual disagreement is whether the target “deserves it.” Providing salient facts is unlikely to persuade because it misidentifies prejudice as a bottom-up logical construction with inaccurate premises rather than a top-down judgement stemming from an axiomatic commitment. If education is to be a response at all, it would likely have to be of the moral variety, and not simply an attempt to raise facts salient to their stated beliefs.

SCOPE

While this paper will endeavour to recognise when others may be making moral judgements as opposed to strictly logical arguments, it should be noted that the question of whether such judgements are justified is outside the scope of this undertaking. It is not, itself, attempting to broach an ethical question, but rather it poses a political question mediated through psychology. A handful of positions will be evaluated against my ethical stances but the core point of this undertaking can proceed even if one disagrees with my ethical positions. Likewise, I mean to defend my claim that Manne’s framework appears explanatory in the cases of cissexism and transphobia while recognising that I am not in the best position to argue the same for prejudices of which I am not affected, namely racism, and I will defer to those affected by both transmisogyny and racism as to whether the framework is explanatory in their lives. Lastly, I will discuss why some people will likely be unpersuadable at various points in my argument, and what that might mean for policymakers wishing to redress the problem of discrimination in their organizations. I suggest what type of approach may be applicable in these instances, but I will not have space to elaborate on or defend those claims here.

REVISITING SEXISM AND MISOGYNY

Manne distinguishes between sexism and misogyny as follows: Sexism is the rationalization by which the belief-holder comes to understand a perceived debt to certain moral goods (e.g. caring, nurturing) owed to them from women, while misogyny might be the tactics deployed by that belief-holder to enforce those

beliefs (Manne, *Discriminating Sexism*, 4). Both benefit from the point that we are now focused on observable things: Stated claims in the case of sexism; actions (completed or planned) in the case of misogyny. Sexism “purports to merely be [reasonable], [while] misogyny tries to force the issue.”

There are several implications which merit this choice. The first advantage is that we can discuss sexism/misogyny by evaluating specific actions and stated beliefs against those affected by it. We are no longer making any claims against an interlocutor’s intentions or internal state. To explain: When we say an interlocutor “hates women,” we are speaking of his true motives for his beliefs. However, our interlocutor has special access to his own thoughts. As outsiders, we can at best tease at what his true motives might be, but we are in a vulnerable position if we try to make decisive claims to the contrary of what he says about himself. Unless we happen to possess a recording where he explicitly states his motives, and is only now presenting a different story, we can’t “prove” he’s wrong about what he thinks. Even in the example of the recording he can just as easily claim he’s had a genuine change of heart.

The effect of this “naïve conception of misogyny” as Manne phrases it has a political dimension: It makes misogyny very difficult to identify and organize against. She takes the case of the Isla Vista killings in which the murderer posted a manifesto condemning women for what he saw as a failure to express adequate sexual interest in him. Nonetheless there were several responses resisting misogyny as a diagnosis for the murderer’s motives, from opponents to feminism claiming he was merely “misanthropic” (Young 2014) to DH adherents arguing that he didn’t view women as meaningful agents who could be hated to begin with (Thomas 2014). Manne notes that under these stringent psychological criteria of hatred, meaningfully arguing someone or something they did is/was misogynist is rare. Since far more women are affected by misogyny than there are people who will admit to “hating” them, this conception impairs their ability to identify the sources of their threats, never mind organizing a response. It will follow that those who either wish to continue benefitting from this situation, or who at least hold it to be justified, will not be persuaded by such an observation: Indeed, it’s rather the point. Asking who stands to gain from maintaining the naïve conception of misogyny is precisely one goal of Manne’s framework, and it’s a poignant question as we turn to cissexism and transphobia as well.

For those that do take it for granted that the reduction (or utopian elimination) of sexism and misogyny are desirable goals, Manne offers another explanation for what they are that seems compatible with what is claimed by the aggressors in gendered harassment actions. She suggests that misogyny is inspired into action by the feeling of being spurred an entitlement to a moral good, in this specific case being the deference, nurturing, procreation, care, often associated with feminine social roles (Manne, *What She Has To Give*, 9).

Manne's model predicts that a misogynist wouldn't hate women generally, but rather hostility would rise specifically when these goods are withheld from him (wrongly in his view). She compares it to sitting at a restaurant and receiving no service from a waiter—one probably doesn't conclude that restaurants are unsuitable as a service, merely that this particular server (or this restaurant by employing them) has failed. Further, one might anticipate confusion and maybe even indignation were the server to ask you to take *their* order. This tracks with a common objection to being called misogynist: "But I love my mother/sisters/wife." Unlike the hatred/DH model, Manne's explanation doesn't contradict him, pointing out that his love to said women may be a product of their providing the goods to which he feels he is owed, much in the same way that restaurant goers are satisfied when servers serve them. Instead of litigating our interlocutor's motives in futility, Manne's analysis lets us look at the structure of the avowed accusation: a woman of "making unreasonable demands," in response to an incident that prompts the accuser to say or imply they've been denied something owed to them, much as we might react to the server telling us to take their order at the restaurant.¹

Sexism is then all the arguments and beliefs which lead the observer to conclude favourably in this asymmetrical debt of moral goods owed by women to men. It could include naturalizing differences where they exist or exaggerating differences where they don't, but it need only support the conclusion that this debt is justified to meet Manne's meaning of sexism.

1. The limitation of this comparison is that servers have at least nominally agreed to their job, and we have more freely agreed to enter the restaurant. I believe this changes the moral circumstances of the exchange described – part of the problem is that women as a whole have not agreed to, or even be consulted on whether they want to, supply this debt to men.

REVISITING CISSEXISM AND TRANSPHOBIA

Recall earlier that I said the political effect of the naïve conception of misogyny was that it neutralizes attempts to organize against it. This was an important point on my broader argument about intervention on this issue necessitating a moral education, rather than simply raising facts salient to a stated belief. I will soon show that an analogous naïve conception of transphobia exists to serve precisely the same purpose: It has the effect of casting “true antagonism” against trans people as something so formless that almost no one can be meaningfully said to have done it, rendering efforts to counter it null. But, critically, even if I succeed in doing so, this will *not persuade those for whom this disruption is the goal*. Anyone axiomatically committed to protecting what they see as the benefits of cissexism can see this sort of epistemic vandalism as, at best, the regrettable cost of enforcing their moral code.

To get an account of cissexism, I turn to Talia Mae Bettcher’s work “Evil Deceivers and Make-Believers.” Bettcher noted that certain responses to highly publicized violence against transgender women required more explanation than what was offered by commentators at the time (Bettcher 2007, 47). Transmisogynist murders were (and still are) handwaved away as instances of homophobia, and while Bettcher concedes this would partially explain the attitudes of murderers, it was not sufficient to explain the peculiar charge of deception that is wrongfully levelled at the victims. I will clarify on both meanings of the word “wrongfully” here—it is both the case that the murderer knew (and in modern cases, usually knows) about their victim’s trans history in advance of intimacy and (I would submit) also a moral wrong that this accusation is the one that readily occurs to observers. For our purposes the question I ask is, how can one be accused of lying for never answering a question that wasn’t actually asked?

The answer, I think, is our clue to cissexism, as well as its parallel relationship to sexism. The accusation that the trans victims have “lied” for “failing to disclose” can only make sense if the person holding this position believes that one’s appearance is “supposed” to convey specific information about one’s birth sex (Bettcher 2007, 53). In other words, this belief holds that the question was asked: It’s asked every time you leave your house, and your appearance is supposed to be the answer. You’ve done something intentionally *wrong* if this is not the case—why else default to specifically *lying* in the accusation? In Manne’s account of sexism,

it is made up of beliefs that lead the observer to conclude favourably in male dominance, or the situation of men being owed certain moral goods by women. We would expect cissexism to similarly be the beliefs which lead the observer to conclude favourably in cisnormativity, or the situation of people signalling their birth sex in a way intelligible to their cultural norms through their appearance.

I submit that this account of cissexism is plausible because it explains why some political commitments that would normally be at odds suddenly find themselves in agreement when problematizing transgender people. One could hold that one “has a right” to know through appearances the birth sexes of people they encounter because it’s important for securing the safety of (cisgender²) women and another could hold that one “has a right” to know through appearances the birth sexes of people to create procreative pairings, positions held respectively by some (self-described) radical feminists and religious conservatives, and in either position one concludes that transgender people have committed a wrong in shirking the duty to provide the information to which one feels entitled. This cissexism shares a nature with sexism in that it supports belief in a moral duty, and diverges from sexism in that it lacks asymmetry, instead taken to be granted as true for all people.

A complication can be found in women who find themselves confronted for being visibly masculine, usually in gendered spaces. One may reply that it is not clear whether she is being policed in that moment for violating a perceived moral code to supply men with a desirable appearance, or whether she is being policed for inadequately conveying her birth sex. My answer is simply that it is possible to be both. A view which holds asymmetrical obligations between men and women needs a way of clearly delineating between the two to prompt the requisite obligations; sexism requires cissexism. The real complication is that the inverse does not need to be true. One can reject the asymmetrical obligations described under sexism and have different reasons for believing that knowing another’s birth sex is a matter of moral duty. The “anti-sexist cissexist” is not only a theoretical possibility in this construction, but something well-evidenced by self-described women’s rights advocates who campaign in favour of strict state-regulation of gender, as we will discuss soon.

2. Commonly defined as “non-trans,” here tentatively describing one’s relation to cisnormativity as described above.

Another complication to this is that another route by which interlocutors sometimes conclude disfavouredly against transgender people is that it's bad to increase one's medical requirements. In other words, it could be possible that one rejects this duty to supply sex information through appearance but nonetheless believes that any biomedical transitioning increases dependence on healthcare interventions, and therefore should be at minimum not encouraged, if not actively discouraged. It is not within the scope of this paper for me to elaborate on the many weaknesses of this position, however, I will note that the motivating factor in this situation is "dependence on healthcare interventions," which would resemble Fiona Campbell's definition of abled narcissism. While such accounts are among the inventory of hostile reactions to trans people, I would say this theoretical possibility is better described as Campbell's network "that produces a particular kind of self and body... that is projected as perfect and essentially human," with disability being cast as the state of "diminished humanity" (Campbell 2012, 213). This attitude could hypothetically explain intentional biomedical gender variation as one such "diminished" state without relying on cissexism, and would be similarly vulnerable to the many objections laid against abled narcissism in Campbell.

NAÏVE CONCEPTION OF TRANSPHOBIA

Since the naïve conception of misogyny has the effect of neutralizing attempts to organize against it, we will want to see a similar effect when locating an analogous naïve conception of transphobia. With the naïve conception's preoccupation on the motives of an interlocutor, my proposal finds merit if we see discourse focused on the attitudes of those accused of transphobia. Both characteristics are present in a high-profile essay by J.K. Rowling titled "Reasons for Speaking out on Sex and Gender Issues," self-published on her blog in June 2020.

We now turn to Rowling to see which parts evidence this effect (all emphasis added):

'Woman' is not a costume. 'Woman' is not an idea in a man's head. 'Woman' is not a pink brain, **a liking for Jimmy Choos** ...one of the objectives of denying the importance of sex is to erode what some seem to see as the cruelly segregationist **idea of women having their own biological realities.** ...When you

throw open the doors of bathrooms and changing rooms to **any man who believes or feels** he's a woman – and, as I've said, gender confirmation certificates may now be granted without any need for surgery or hormones – then you open the door to any and all men who wish to come inside. (Rowling 2020)

For Rowling, bodies constitute a rallying point which “unify [women] as a cohesive political class.” It is stable. It yields predictable problems to which there are political solutions. It is “real,” contrasted with “liking Jimmy Choos.” The body is a political locus, the appearance a frivolity. Her proclamations about what a woman isn't are framed to be a response to a trans person's argument (whose argument, one wonders?). She isn't merely stating what she believes; she's implying this is what a trans person believes: “Shoes make the woman.” Frivolity, unserious, fake. Her argument is rooted in the body, the real, the concrete; her unnamed opponent is rooted in liking shoes.

She problematizes the example of women's bathrooms where she perceives the criteria for entry being reduced to “belief” and “feeling” because limited legal recognition as female might have been granted without bodily alterations. This requires elaboration: The current status-quo for most restrooms in the world is such that Mary already selects the bathroom they believe most appropriate for them. If another user in that bathroom, Sue, feels that Mary is mistaken in their selection, Sue has at her disposal several options: Asking Mary if they're sure they're in the right place, confronting Mary and stating Sue believes Mary to be in the wrong place, calling management or the police to adjudicate the dispute, or initiative violence to eject Mary herself. I delineate this because it seems to me the case that men can already choose to enter the women's bathroom if they are so inclined, and women already possess several ad-hoc avenues to address any perceived breaches. It is not often the case that bathrooms require any proof of sex to merely enter, and I doubt Rowling advocates for the inspection of ID markers at bathrooms, but it is currently true that users of a bathroom assess for breaches based on what is visible.

Thus, easing the conditions for a limited legal recognition as female would only be a problem if that legal recognition was going to be called upon after an interlocutor's appearance prompted questioning. To put it crudely: Rowling would require your appearance to convey facts about your body which are verified by a legal mechanism, which she could deploy to question you on her behalf.

So we see to start evidence of cissexism, here an argument that transgender people owe an appearance she can recognise as corresponding to their birth sex, because she wants to access public facilities used by people she knows are other cisgender women or, at best, transgender women vetted (by someone else) to meet some specific criteria. But what of the naïve conception of transphobia as hatred? Rowling again (emphasis added):

**'They'll call us transphobic!' 'They'll say I hate trans people!'
What next, they'll say you've got fleas? ...**

None of the gender critical women I've talked to hates trans people; on the contrary. ...they're hugely sympathetic towards trans adults who simply want to live their lives ...(Rowling 2020)

These are rather clear anticipatory disavowals of the motive of hatred but they are, crucially, also straightforward preoccupations with her attitudes. It is Manne's approach that allows us to examine the consequences of Rowling's rhetoric by focusing on the impact of those affected by her words. Rowling need not hate trans people to hold the views that she does. Indeed, it is much easier to explain her dismissive and derogatory tone comparing trans women to "liking Jimmy Choos" as a sort of imperial put-down directed at them for speaking out of order: Insulting, intentionally so, because they did something that warrants punishment. She benefits greatly from a lack of careful examination as to what this sort of heightened bathroom policing could promote, and she won't have to account for it if people find themselves mired in debating her hatred or lack thereof.

Note also that Manne's other predictions are also relevant here. Rowling need not be hostile to transgender people in general, for example, and she isn't. She cites "transgender adults trying to get on with their lives" as the type of trans person she *isn't* concerned with. While her ire is justified against those individuals practicing misogyny in the course of criticizing her transphobia, I note also that those making trans civil rights arguments in favour of liberalising the UK's regulation of gender make up the bulk of her targets:

I happen to know a self-described transsexual woman who's older than I am and wonderful. ... Being older, though, she **went through a long and rigorous process of evaluation,**

psychotherapy and staged transformation. The current **explosion of trans activism is urging a removal of almost all the robust systems through which candidates for sex reassignment were once required to pass.**

So we see that Rowling is anticipating the accusations she received by implicitly arguing they can't be true because she doesn't have any objections to trans people *in general*—just the ones interfering with her specific program—and we see that the inciting incident which prompts her reaction is the act of attempted removal or reduction of the “robust systems” responsible for regulating and surveilling deviations from cisnormativity. I hold that such surveillance would be considered valuable if one thought the core project promoting “appearance as an obligation to communicate birth sex” was a worthy pursuit while conceding that forcibly removing any option for transitioning is probably too draconian for justification. If we must tolerate breaches of this norm, holders of this position might support systems to regulate it such that the greatest threats to the project are minimized. It dovetails with the earlier support for surveillance in the sense that it seems to say “it's fine if someone, somewhere, is watching for me.” If I've described this position correctly, they may even feel it is a magnanimous compromise rather than an invasive breach of transgender people's autonomy.

CONCLUSION

I believe I've made a good case for why conceiving of transphobia as a “hatred” of transgender people can, itself, be a tactic of transphobia, while also promoting cissexism by countering efforts to reduce it. Insofar as strong, emotive reactions such as disgust or rage occur when carrying out the tactics of transphobia, I believe their actual root cause to be a moral judgement, a righteously-felt indignation at having something withheld to which the aggressor feels they are owed. I look no farther than the numerous campaigns in the United Kingdom which compare transgender people to people convicted of heinous violent crimes on bases that are outright delusional (e.g.: Glinner 2020). We react emotively to the crimes described *on account of their immorality*, so these comparisons could only make sense on that basis—not accusations stemming from empirical observations, but equivalencies of moral violation.

If this diagnosis is accurate concerning a particular incident, the value for policymakers is in understanding that the correction would have to be a moral education and not simply attempting to fact-check stated beliefs. I would argue elsewhere, for example, in favour of a Rawlsian “veil of ignorance” approach in a bid to see if a transphobic interlocutor might locate injustice in framing the terms of their beliefs between Bettcher’s “make-believer” and “deceiver” by pointing out that the target of such a framework is literally *trapped* by these terms. They cannot self-advocate: The ability to do so has been razed, as any objection can be written off as a product of the “delusion” or “bad faith” evidenced by the “deception.” I suspect if one can properly imagine themselves subject to such an underhanded silencing tactic, they will be far more responsive than (for example) simply being told evidence of endocrinological triggers, or more bluntly that they’ll just have to agree to a code of conduct or be fired. But this would require the interlocutor in question to have the skill of applying Rawls’ veil to begin with, of properly imagining how they would want to solve the dilemma if they didn’t know what position they would occupy in the solution. They would need, in essence, a moral education. Such a topic warrants its own treatment.

As previously stated, little of what I’ve outlined here will be persuasive if someone finds the “right to know” someone else’s birth sex a morally worthy goal to protect. We might hope that this encourages those holding the position to be more honest and explicit that it is the position they are trying to defend, but it does not address the reasons they came to form the belief to begin with. What I do hope we recognise is that when one sees an argument that would require a person’s birth sex to be made visible in some way, accusations of hatred work to terminate the discussion that would be necessary to expose that claim. I believe that the particulars of this sort of birth-sex-policing will make the stakes far clearer; I also believe that many holders of this position are aware of this, and will smother objections to that effect by avowing they “don’t hate trans people.”

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