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Identity, Equality, Freedom: McCloskey's *Crossing* and the New Trans Scholarship*

By Martha C. Nussbaum**

Deirdre McCloskey's *Crossing* ([1999] 2019) is a book of unsurpassed integrity and courage. Rereading It now, with its new 2019 Postscript, I am in awe, more than ever, of the personal fortitude it describes and expresses, as it narrates the professor's journey, against hideous opposition, from repression to freedom. I am equally in awe of the intellectual and emotional daring exhibited and expressed in the writing of the story. We all should examine ourselves, trying to sort out who we really are and what we stand for in life. But so few engage in this Socratic quest, or, if at all, only hastily in brief moments of crisis. For the most part we are content to slide along in our familiar social and professional categories. Particularly where gender is concerned, it is so much easier to accept social norms than to struggle against them. McCloskey's life, by contrast, has been an extended reckoning with the self in all its guises, first in the living of a life of personal searching and eventual defiant freedom, and then in the splendidly written telling of the tale, hilarious and terrible, the trenchant percussive prose summoning us not just to see and feel with Donald, Dee, and finally Deirdre, but also to search ourselves with as much comparable honesty as we can muster, as people not very used to such probing. Anything less would be to refuse to listen, one of the common failings the distinguished author of *The Rhetoric of Economics* (McCloskey [1985] 1998) most justly castigates.

My topic is the relationship between Deirdre's story and the recent flood of feminist and transgender scholarship that asks what gender is, what a woman is, and what trans women and trans men are.[1] I'll get there, though my quick answer is that Deirdre's courageous narrative is for the most part a benchmark to which the efforts of gender theorists can and should be held accountable, and not the other way round. In its subtlety and its multi-faceted wrestling with the self, Deirdre's *Crossing* makes most academic journal articles look flat. One and a half centuries after Schmoller and the so-called *Methodenstreit*, economics is still flat, eschewing the task of wrestling with the self. There is, I think, one big ingredient missing or, if present, underdeveloped, and I will dwell on this. But I've discovered that any even partially adequate reckoning with

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[1] I will be referring later to the contributions I consider particularly central and interesting.

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Crossing must also be a reckoning with oneself and one's own gender identity. That's what the book is and demands, from gender studies as much as economics. Haltingly and piecemeal, then, I'll try to approach Deirdre on her own turf, happily if unworthily.

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Men's clothes are boring. This profound thought, made vivid in Deirdre's narrative, where clothes play, from the beginning, a prominent role, has often occurred to me while bored, myself, in meetings and conferences, overwhelmingly populated by males as in my experience meetings and conferences tend to be, and while looking around the room at the more or less interesting bodies in it, clothed (at least in our law school) in uninteresting off-the-rack suits (if the faculty member is teaching that day), or rumpled trousers and colorless sweaters (if he is not).

Suits don't help. I share Deirdre's admiration for the late Anne Hollander, who (as Deirdre mentions) argued cogently, in *Sex and Suits* (1994), that suits became a workplace uniform as part of a movement toward equality, effacing the class distinctions that used to be telegraphed immediately, some men wearing high-heeled boots, elegant stockings, ruffled shirts, feathered hats, others wearing the dull overalls of the laborer (Hollander 1994, especially 90 – 107). Yes, but why did they all have to become boring? The bodies beneath are so deprived of choice, of meaningful self-expression, or so it seems. Only the necktie offers a glimpse of color or pattern. I have one law school colleague who used to wear bright purple or bright blue sweaters to meetings, and he was able to get away with this transgression without the imputation of gayness (gay men often have better clothes) because of his dramatically athletic physique. But now he has ascended to the provost's office, so goodbye (no doubt) to purple and blue. I share McCloskey's lifelong fascination with women's clothing – with color, shape, expression.

Indeed, so did my father, who wore what he could get away with in the 1950s and 60s as a partner in a Philadelphia law firm, including tailor-made suits in exquisite fabrics, imported shoes, and a collection of over two hundred ties. But he was still hemmed in, so what he loved to do was to take me shopping at Bergdorf Goodman in search of some elegant, yet edgy and subversive, fashion statement – of a sort I prefer to this day, the sort represented by designers such as Alexander McQueen and Alaia. I remember one particular coat-dress combination in shocking pink, beautifully cut, which he steered me toward at age sixteen, and then enjoyed when I wore the ensemble (with black fishnet stockings and very high heels) to his lectures on Powers of Appointment for the Practicing Law Institute, where it is an understatement to say that it was the most interesting clothing in the room.

In short: I have always wanted to be a woman. Women have the best fashion options, as well, I think, as the best hair options. I am basically the opposite pole from a cross-dresser, a femme-y woman with curly locks, high heels, and dresses. I love the

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feeling of spending my days like that, and I also delight in many other woman roles, the bodily roles, including the motherhood role, unavailable to Deirdre, to her regret. Dress is deep, not superficial, as Deirdre makes evident.

Indeed, it irritated me that in my all-woman school I had to wear the boring clothing of men in school plays, because, being tall like Deirdre (though not Deirdre-tall, only a little above 5'8", but that made me the second tallest woman in my class in those days), I was usually cast as a male. In the end, though, despite the clothes, I did love those male roles, because I got all the best lines. I got to be a captain of industry, a leading politician, in short the ones with definite ideas who made their ideas matter in the world. This too was my inner self, an alpha wolf in temporarily boring men's clothing. So when I got a chance to write a play myself and cast others in it (it had to be in French and about French history), I wrote a five-act tragedy about Robespierre and his decision to have the Girondins put to death, despite his personal friendship with Camille Desmoulins. And of course the role for me, the leading role, with the best lines, long soliloquies about liberty and the tragic tension between liberty and friendship, was that great- souled tortured man Maximilien Robespierre. (In not-such-boring clothes, since this was the eighteenth century.) I hasten to reassure Deirdre that I thought and think the Terror a terrible betrayal of revolutionary ideals, and Robespierre by no means embodies my political goal. But I remain fascinated by complex personalities, and Robespierre had a complex inner life if any political leader ever has.

In short, I have always wanted to be a man, i. e. one of the ones with ideas that change the world, the ones with the best lines in the best plays. (Shakespeare's Cleopatra is my favorite exception, along with Aeschylus's Clytemnestra, that "woman with a male-deliberating heart," a role I have actually played on stage opposite Richard Posner, who loved getting stabbed with a huge stage knife.) Thanks to my women's school, which did not teach me how to be inferior, thanks to my father, who never let me sell myself short, thanks to relative affluence, good health and good nutrition, and thanks to a certain uncompromising something at my core, I have always been utterly confident that the two identities go together, and have never had the slightest inclination to knuckle under to the demand for weakness, quietness, and fawning subservience, even when my mother sagely advised, before I went off to a dance, "Don't talk so much, or the boys won't like you." Like Mary Wollstonecraft, I've always thought these demands a con game played on women by greedy and selfish men, and I refused to be conned. Fortunately for my happiness, I came along at the right time, and have had to suffer much less than Wollstonecraft did for that intransigence. Sexual harassment aplenty, sexual assault a few times, one tenure denial, numerous relationships broken by dual-career issues that men have a hard time dealing with – as Mill beautifully observed, "The generality of the male sex cannot yet tolerate the idea of living with an equal" – but here I am, wearing frilly clothing in bright colors and loving my work and my life. My colleagues, especially the economists among them, tease me for my economistically aggressive style in argument, saying that I am "one of the boys." But that's an old tease. Already in grade school my classmates

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called me Artha Marguer, Martha the Arguer. And I smiled then and smile now: yes, all that is me.

Deirdre is another arguer, and she never abandoned her assertive style when she chose to express her full identity as a woman. Well, why would she? She was already at the top of her profession, and nobody had raised her to subordinate herself. We share a lot, Deirdre and I: we've managed to get the best of being a woman without the worst, the soul-sapping toll of social subordination. She has had less of the best, beginning to enjoy being a woman fully only at fifty- three, and never having had a woman's childhood, adolescence, or young adulthood, never bearing a child. And to get to happy free womanhood at fifty-three she had to endure hideous and almost incomprehensible opposition, confinement in a mental hospital, the loss of family, the horrors of the obtuse medical establishment, which seems to have been incompetent even when it wasn't hostile. She also had to pay a fantastic amount of money to be what she was: one of the most fascinating parts of the book for the cis-gender person (insofar I am one) was the list of medical bills for the surgeries one never imagines, on brow ridges, nose, lips, larynx. What Deirdre never had to confront, though, pretty much like me, was the soul-crushing demand to be inferior, to flatter the male ego, to serve as a prop for male pride – all the things that Rousseau, another tormented eighteenth century soul, tied himself in knots about, prescribing that kind of artificial fashioning for his Sophie, and then showing, in his unpublished conclusion to Emile, that it would lead to terrible misery and loss for both members of that allegedly happy couple. Deirdre didn't get the Sophie treatment because nobody around her for five decades thought of her as a woman. For different reasons, I didn't quite get the Sophie treatment either, or only in part and only from a distance.

But maybe I did, whispers Wollstonecraft. Maybe my emotionality, my interest in the feelings and emotions of others, these so womanly things much admired and emulated by Deirdre, are part of the subordination story, rather than part of the success story. Wollstonecraft had reason to fear her own emotions, after two suicide attempts, fortunately unsuccessful, in the wake of failed love affairs. (And how her story makes the man-woman of today long for a sensible and truly loving Godwin, who knew that a married couple who wanted to write had the option of living in two separate houses next door to one another, rather than under one roof.) And she tells women: don't value your susceptibility, your tendency to exalt love and relationship over your own goals. Like many in her century, Wollstonecraft is drawn to the Stoic model: a life ruled by reason, in which passion never derails the personality. And we can at least concede this: that in a woman's life of subordination, as helpmate and support of male ambition, emotional susceptibility, emotional quickness, and alertness to the emotions of others are useful tools of that subordination. Rousseau was not wrong to prescribe their cultivation for Sophie, in order to render her a pliant support for Emile, rather than a mathematician (she shows talent in that direction), an athlete (she almost beats Emile in a race, even wearing high heels), or, something he never dreamed of, despite being a contemporary of Adam Smith, an economist and theorist of the moral sentiments.

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It's impossible to grow up as a man-woman without wondering what parts of one's personality are artefacts of subordination. After all, you can only escape your culture so far. And though my present self agrees with Deirdre, most of the time, in loving the way women listen to others, show sensitivity to the feelings of others, and even fall in love with wild abandon, the Wollstonecraft voice speaks critically, and it should. As feminist philosopher Claudia Card (1995) sagely wrote, criticizing Carol Gilligan's portrayal of the "different voice" of women, might this not be a kind of Nietzschean "slave morality," a set of traits developed out of necessity, as responses to subordination, and then taught to the young as virtues? Or, as Catharine MacKinnon says of that voice, "Take your foot off our necks, then we will hear in what tongue women speak" (1988, 45).[2] Which is her trenchant Deirdre-style way of saying: it's all a mystery until there is genuine equality.

Here's what I miss in *Crossing*. Though belonging to a profession that is among the most male-dominated in the academy, with an unusually large share of sexism and indifference to the contributions of women, though vividly aware of male egoism and obtuse behavior, though surrounded professionally more or less entirely by men as both colleagues and graduate students (both Arjo Klamer and Steve Ziliak are important characters in the book, neither behaving in the obtuse fashion of run-of-the-mill men, but male nonetheless), and though fascinated by all the things about women's social formation that I've just mentioned, women's sensitivity, women's gift-giving – despite all this, Deirdre does not pose the big Wollstonecraft question. Condemning men's flaws as listeners, and a marvelous satirist of the big male ego holding forth, she does not take the next step of asking to what extent the female traits ubiquitously on display in Deirdre's world were made by men for men, to "enslave the minds" of women, as Mill so wonderfully puts it. She says nothing much about slights and exclusions suffered by the many women in the narrative, though how could these not be ubiquitous, since we're talking about economics! Nothing even about sexual assault and sexual harassment suffered by the many women who become Deirdre's friends, except for assault against trans people qua trans, certainly an urgently important issue. If the men are condemned appropriately for saying "Io, io, io," like the petulant little Italian boy Deirdre remembers, the further question should be: how have they formed the world, including women, in service of their infantile ego demands? In short: Deirdre was joining the underclass, and yet, in a very real sense, she wasn't. This fact needs exploration.

I wanted Deirdre to speak more, along these lines, about not just the incidental but also the large characters in the story: the successful professional sister, whose crazily hostile behavior seems to show a spirit under terrible strain: what caused that strain? Might some unequal treatment in childhood have fueled her assault on Dee's freedom? About the sensible supportive mother: what were her early aspirations and how did her life unfold? About the ex-wife: what sacrifices, what self-abnegation might have fed

[2] This cry has resurfaced, in tragically literal form, in protests against the wrongful death of George Floyd: "Get your knee off our necks!"

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into her ugly anger? ("Did I put aside my own career aspirations to support – not a man after all – but someone just like me?") I could be wrong about all these speculations, and it's none of my business anyway, but it's natural to speculate, given then-prevalent social realities. Still, there is a deep and general question here, and Wollstonecraft deserves a just reply.

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Since *Crossing* was first published in 1999, trans women and men are far more visible among us, and a new area of scholarship has emerged addressing the question of gender- transition. By and large, the new field has rejected the analysis that repeatedly confronted Dee in her various collisions with the psychiatric establishment: the idea, that is, that a trans person must of necessity have had, from early childhood, the conviction that she or he was born in the wrong body and must hate her or his genitalia on that account. Sometimes that is the story a trans person actually wants to tell, but it was always absurd and deforming to insist on that story as a necessary condition of being certified as suitable for transition-related hormone treatment, or surgery. Sometimes the idea of transition appears rather late in life, or at least assumes prominence later. Donald lived successfully and rather happily as a man, a football player, a loving husband and father. As Deirdre says in her new Afterword: "It's a Romantic fallacy, or an essentialist club with which to beat up the Other, to think that people have simple and eternal essences. They change. In a free society, shouldn't they be allowed to? Tell me why not" ([1999] 2019, 269).

The field has also quickly abandoned the erroneous idea that gender nonconformity has something to do with homosexuality: as Deirdre says, gender crossers can end up preferring the same sex or the opposite sex, or preferring an asexual life, all, it seems, more or less with equal frequency – though perhaps there might remain more fruitful ways to explore the interplay between identity and sexuality. And if many trans people began as cross-dressers, the field, like Deirdre's book, quickly distinguishes that practice, a surprisingly common part of "normal" lives, especially male lives (since women can wear more or less anything without being thought to "cross") from the deeper urge to transition in a permanent way. As Deirdre says: many people enjoy visits to France or Italy. Very few want to move there and take on that national and cultural identity. Finally, the field has by and large insisted on taking trans people as who they say they are, rather than adopting accounts of "man" or "woman" that exclude them.

But if a gender transition is not centrally about genital organs or the "wrong body," what is it about? Here the field, wisely deciding to listen to the many stories trans people tell, has, at its best, been tolerant and non-prescriptive, while trying to pull together some common threads from those stories. Central to many stories is the mysterious fact that Deirdre's story reveals so clearly: a gender identity is there, inside, exerting claims for expression. And yet it is also learned by often arduous practice, the way we learn any social role. The conviction of being female precedes not just the

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successful expression of femaleness but any clear grasp of what that would consist in. Hence the fascinating pages about how Deirdre studies women to figure out what women do, and gradually becomes able to "pass," by close study of women's gestures, glances, and conversational gambits, their ways of walking, sitting, standing, and speaking. We don't find this mysterious when we think about the upbringing of cisgender people, who sort of know early on that they are male or female, and yet have to learn how to perform that identity in childhood, though they usually forget that they have worked at it so hard. With trans people, however, it does strike people as mysterious: if it doesn't come naturally, then why go to all the pains to do it? Answer: because there is something already there that wants out.

For Talia Mae Bettcher, one of the most influential and interesting trans scholars, it is all about "existential identity." Very much like Deirdre, she insists that gender-identity is one part of one's overall identity:

> By existential identity, I mean an answer to the question, "Who am I?" where this question is taken in a deep sense. Thus, while "Talia Mae Bettcher" is an answer to the trivial question "Who am I?" it is not an answer to the profound question "Who am I, really?" The question, when taken in its full philosophical significance, means: "What am I about? What moves me? What do I stand for? What do I care about the most" (Bettcher 2009, 110)?

Existential identity is not static: our existential identity is essentially bound up with reasons for acting.[3] This I think, fits Deirdre's narrative very well. Deirdre shows with indelible clarity the multitudinous ways in which being female changes the entire organization of her life. And Deirdre shares Bettcher's central philosophical motivation: to rebut the claim of inauthenticity, the "You're not a real woman [man]" complaint. Where I'd give Deirdre the edge (not to detract from Bettcher, but just to say what an autobiography can show that a philosophical article can't) is in her subtle account of what is there and what is made. It's not like investing effort in a political cause, which can certainly be part of an existential identity: for Deirdre knew all along, at some level, that being a woman was her true identity, and endured huge discomfort to get to the point at which she could actually begin to pursue that identity in her life. There are other types of crossing stories that also have this doubleness: the identity is both found, demanding to be let out, and laboriously constructed. Some people experience a change of national, cultural, or religious identity this way: they already felt like that, but then they need to learn how to make that real. (My friend Charles Larmore was never more honored than by winning the Grand Prix de Philosophie from the Acade´mie Française in 2004 for his series of splendid philosophical books written, from the get-go, in impeccable French. Charles says he felt for ages that writing French was his true identity, at least as a philosopher, though he had to work very hard to get to the Acade´mie Française level.) But gender crossing is basically never without the doubleness: for why would you do it, usually well after childhood, if you were not already that?

[3] It is useful to compare this idea to Christine Korsgaard's (1996, 100–103) idea of a "practical identity."

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Neither Bettcher nor Deirdre offers a view about where the sense of urgency comes from: is it social? Biological? Something else? This is left mysterious, as indeed it is. If we are to say more, we must distinguish two questions. The first is where the large categories from and to which people transition come from. The second is how people come to assign themselves to the new category. The categories themselves are most plausibly seen as social, though shaped in some ways by biology (women's role in pregnancy and birth especially). But how does it happen that a person brought up to be a male feels an urgent imperative to cross and be female (or to declare that she was all along female?) Here social construction is not a plausible answer. Perhaps biology plays a part, though if so this is not demonstrated by Deirdre's experience as a "normal" male (cricketer, quarterback, husband, father, and square dancer). Maybe, like many things in human life, it is a mysterious story of mostly-forgotten early childhood experiences. At any rate the answer is both deeply personal and deeply mysterious, so it is not surprising that the new literature does not answer it, nor that Deirdre does not either.

Another Deirdre theme that recent scholars articulate theoretically is the importance of who you are in the world, what others take you to be. For Robin Dembroff and Catherine Saint-Croix, gender identity is best understood as what they call an "agential identity." Agential identities are "the self-identities we make available to others – they bridge what we take ourselves to be with what others take us to be." Their criteria for an agential identity include self-identification as a member of the group, but also some sort of commitment to make that self-identification externally available for others, establishing that identity for oneself in the world (Dembroff and Saint-Croix 2019). Thus Donald already had, vaguely but powerfully, the self-identification part, but that was just the beginning: the crossing, the journey to make that real for self and others in the world, had not yet begun. I think this fits Deirdre's journey very well. And if we combine this with Bettcher's analysis we understand why the journey is an imperative: it's about a major part of one's existential identity, so there is a need to realize it to and with others.

These analyses are similar to Deirdre's in inviting comparison with other life journeys in which a person crosses some line and wishes to be taken with the utmost seriousness about having done so. One of Deirdre's most important contributions, I believe, is to get us to think open-endedly about the many forms of crossing people engage in. Why do many people think that gender change is weird or bad or crazy, when they do not think this way about religious or cultural change, or change of profession? Deirdre's call to a larger tolerance, letting people be who they feel they are and must be, is one of the book's most moving themes.

This theme is paid lip service in much of the scholarship, but that larger listening, that inclusive tolerance, is sometimes shockingly lacking. (She has often made this point to her fellow economists, who still don't seem to listen.) I'm sure Deirdre knows of the controversy that erupted in 2017 at the feminist journal *Hypatia.* A young scholar, Rebecca Tuvel (now tenured at Rhodes College in Memphis, then untenured),

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submitted an article that was accepted through the usual process of double-blind peer review and published in the journal. It concerned the difference, if any, between gender crossing and racial crossing. Apropos of the famous case of Rachel Dolezal, who, having grown up in a mixed-race family with four Black siblings, though not Black by birth, passed as Black for a time, and, when "outed," announced that she felt her identity to be Black. Dolezal was denounced almost universally by people who thought it bad for her to attempt to claim that identity. Tuvel's article did not side with Dolezal, indeed it did not side, it thought. The article wanted to stir up real thought about this case: why, in the case of gender-crossing, do we, including we gender scholars, insist on taking the trans person's word for her or his identity, whereas in the case of race we tell Dolezal that she can't be who she feels she is. The same arguments that support accepting the trans person's story seem to support accepting Dolezal's story. The article was an attempt to generate puzzlement and deeper reflection, and it began from the premise that the trans person's claims ought to be accepted. Nonetheless, a large proportion of the trans scholarly community in philosophy denounced it, and also denounced the journal for having published it. So insistent were their claims that a substantial portion of the editorship of the journal repudiated the article, signing a letter that included many false statements about Tuvel's article, showing that many of the signers had not read it.[4] It was one of the ugliest and most illiberal examples of "cancel culture" in my experience, and a true disgrace to philosophy. Fortunately Tuvel survived and got tenure, and the journal got a much-needed makeover with new editors. It remains to be seen whether the new board will correct the defects of the old.

Deirdre, by contrast to the pc craziness of that case, unfortunately all too common these days, is a genuine defender of liberal freedom of speech, one of the key liberal values she defends in her scholarship. She certainly thinks that some accounts of trans identity are erroneous and disrespectful, and that those should have no authority (in the DSM, for example), and certainly should not be rewarded. But she doesn't want to cancel anyone; she wants to think through the mysteries of life, and she favors listening, not canceling. Sometimes people use their personal suffering as an excuse to silence others, or to tell them what they can and cannot say. Deirdre takes from her experience the opposite lesson: let people express themselves as they will. Hold them to account for factual correctness and good argument, and ask of them both respect and empathy. But don't muzzle or silence divergent views. In this insight – in which a painful crossing leads on to a larger toleration and gentleness – I would locate one of the great superiorities of *Crossing* over much subsequent scholarship, at least as practiced in the profession.

And this brings me to the central theme of *Crossing*, a theme relatively neglected by trans scholars, at least In the academy: it is the theme of freedom. What does the person

[4] The ins and outs of this sorry episode are impartially and fully narrated in the Wikipedia entry "Hypatia Transracialism Controversy." Several other accounts are linked on Tuvel's faculty webpage.

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who wins through opposition the chance to express her or his true gender identity gain thereby? Happiness? Maybe. But in Deirdre's story happiness may or may not arrive. What is really and definitely there, making the whole journey worth the taking, is freedom. Freedom in the classical liberal sense is the great theme of McCloskey's scholarship, in which McCloskey puts herself at odds with some fashionable left-wing views. In *Crossing*, liberal freedom acquires a profound personal meaning. What Donald lacked was not money or power, or even thoughts and dreams. It was freedom, a freedom society gives automatically to the cis-gendered, who can enact their identities, and pursue their deepest selves, without the threat of confinement to a mental institution, or the loss of those they love (so long as they follow "agential" norms). By now, lesbians and gay men have for the most part won freedom in that sense. But the whole story of *Crossing*, a story still sadly familiar in our time, is a story of the unfreedom of people whose gender identities diverge from the identity ascribed them at birth. They have to be locked up, or beaten up, or sexually assaulted, as punishment for who they are.

What Deirdre most fundamentally achieves and celebrates is a new sense of freedom – of speech, of association, but also a deeper type of existential freedom, the freedom to be oneself in the world. She's the same person, but liberated. The two younger trans people whom I have known both before and after their transitions fit this description too: one a trans man, one a trans woman, they appear to be, in some sense, the same person they were before, but so much freer, as if released from a burdensome confinement. It is entirely just, and centrally important, that McCloskey ends the new Afterword as follows:

> I join, and I hope you do too, with the African American poet Langston Hughes, singing in 1935, "O, let America be America again –/The land that never has been yet/–And yet must be – the land where *every* man is free."

And every woman, dear.

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All right, Deirdre. You insist that every woman should be free. I agree. But then, this gives you an obligation to confront and name the reality of women's unequal social position, which you have to some extent luckily escaped by not getting there until already in possession of tenure and fame, and which has been for many or most women a highly burdensome confinement. So let us now return to the Wollstonecraft question. It is a social fact, despite all the progress that we have seen, that part of the cultural meaning of "woman" is still "helpmeet," "homemaker," "childcare provider." That is why defining "woman" is such a thorny puzzle. As Catharine MacKinnon (wrongly thought an essentialist by some) has rightly said, "To be a woman is not yet a name for a way of being human." Humanness is typically defined along male lines, and traditionally at least, women don't quite fit in. "Human rights" are those that males have wanted, and the list has never yet included some things women intensely want,

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such as access to contraception, rights against sexual assault and domestic violence, support for child and elder care (MacKinnon 2006). For such reasons, feminist philosopher Sally Haslanger has argued that if we are to give a definition of "woman" as the world currently understands it, it would include the fact that a person is "regularly observed or imagined" to have bodily features suiting them for the traditional role of women in reproduction and childbearing – and, further, ascribed on the basis of that role, is thought proper for an inferior social position. That's the current meaning of "woman." The subordination cannot be omitted. Haslanger's (2012) point is that anyone concerned with both liberty and equality should wish there to be no more people like that. It's a definition meant to organize social action.

Haslanger's proposal has received much discussion lately, with respect to the claims of trans women (for example, Jenkins 2016), and she herself now says that it may not fully include them. "My view now is that the group I identify in the paper remains an important group for feminist activism, but it is not the only group" (Haslanger 2016). I actually think its first part, "regularly observed or imagined," fits Deirdre fine, and any trans person who regularly passes, with or without surgery. The subordination part of the definition clearly has other exceptions – powerful Queens, for example, are discussed in the literature. And Deirdre can prove vulnerable to subordination, when she is not in contexts in which she is immediately identified as a privileged and famous economist. She does reports instances of not being listened to as a woman. But arguing about definitions is of less interest than pursuing justice, as Haslanger herself says. The point of Haslanger's definition is to point to a ubiquitous social fact: inferior status ascribed on the basis of perceived or imagined female attributes. Deirdre escaped this ascription for the first fifty-three years of her life, and now what I think we should say is: she has joined the community of women, so she needs to be in solidarity with them and fight injustice. Despite the relative silence of *Crossing* about these power differentials, Deirdre clearly feels great solidarity with women, and there is every reason to believe that she has plenty of both community and energy to carry on this struggle.

Part of the further work must be to pursue the deeply mysterious Wollstonecraft question: Which among the gendered attributes frequently found in existing women are artifacts of inequality, and useful for serving men rather than making women happy and free? I have my hunches: with Deirdre, and against Wollstonecraft, I'd like to see empathy, emotion, and sensitivity on both sides of the gender divide rather than neither. I think they are virtuous, not necessarily bound up with Sophie-style oppression. But we really can't say until there is equality. And we really can't say there's equality until there is a divorce of virtue from our socially constructed gender norms.

Deirdre does not tackle the Wollstonecraft question head on. But *Crossing* provides the reader with materials to do so. I've said, with utter seriousness, that in my lack of a gendered sense of inferiority (no doubt incomplete), I view myself as a sort of trans man in women's clothes with many women's habits. Otherwise put, maybe as a trans woman like Deirdre. Perhaps, then, the presence of trans women like Deirdre among

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us can prompt a larger dialogue about equality and freedom in their relation to gender and its attributes, and a Langston Hughes- type aspiration to a nation in which every person is free to choose a profession – even Economics – on equal terms, to love on equal terms, and to be free from all the confining social structures that will not let some people aspire, realize their aspirations, and just be. I suspect that this could be a world in which gender, if it exists at all, will be of greatly diminished significance. But who knows? We may find other better meanings for it, once, if ever, we are all free.

References

Bettcher, T. M. 2009. "Trans Identities and First-Person Authority." In *You've Changed: Sex Reassignment and Personal Identity*, edited by L. Shrage, 98–120. New York: Oxford University Press.

Card, C. 1995. "Gender and Moral Luck." In *Justice and Care: Essential Readings in Feminist Ethics*, edited by V. Held, 79–100. Boulder: Westview Press.

Dembroff, R. and C. Saint-Croix. 2019. "'Yep, I'm Gay': Understanding Agential Identity." *Ergo* 6 (20): 571–99.

Haslanger, S. 2012. "Gender and Race: (What) Are They? (What) Do We Want Them to Be?" In *Resisting Reality: Social Construction and Social Critique*, 221–47. Oxford: Oxford University Press.

Haslanger, S. 2016. Comment on "Ethics Discussions at PEA Soup." Accessed February 25, 2021. http://peasoup.us/2016/01/ethics-discussions-at-pea-soup-katharine-jenkins-amelioration-and-inclusion-gender-identity-and-the/.

Hollander, A. 1994. *Sex and Suits: The Evolution of Modern Dress.* New York: Knopf.

Jenkins, K. 2016. "Amelioration and Inclusion: Gender Identity and the Concept of Woman." *Ethics* 126: 394–421.

Korsgaard, C. 1996. *The Sources of Normativity.* Cambridge: Cambridge University Press.

MacKinnon, C. A. 1988. "Difference and Dominance." In *Feminism Unmodified: Discourses on Life and Law.* Cambridge: Harvard University Press.

MacKinnon, C. A. 2006. *Are Women Human? And Other International Dialogues.* Cambridge: Harvard University Press.

McCloskey, D. N. (1985) 1998. *The Rhetoric of Economics.* Madison: University of Wisconsin Press.

McCloskey, D. N. (1999) 2019. *Crossing: A Transgender Memoir. With a New Afterword.* Chicago: University of Chicago Press.

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