

Sculptor vs. Detective: An Analysis of Gender Identification

Kabeer Haider

Abstract: This paper analyzes whether we can shape our gender identity. This is presented through an analysis of the opposing sculptor and detective accounts of gender identity. The sculptor account presents that we have an active role in shaping our gender identity, and the detective account posits that we have a passive role regarding our gender identity. I argue that both are wrong and in doing so present that to capture the experiences of those in the trans community requires moving away from a model of gender identity as a determinate thing towards the probabilistic cloud model of gender identity, where it is not some determinate thing, but rather a cloud of possible identities that they feel, to varying degrees, reflects them. The rest of the paper involves explaining the nuances of the model and examining its various upshots.

Introduction

In this paper, I argue that current accounts of what it is to have a gender identity and our relation to gender identity fail because they present gender as too much of a determinate *thing*. Oppositely, we should imagine something that is more of a “probabilistic cloud” but is not exactly determinate where gender identity exists, similar to the Quantum model of the electron. In service of this argument, I will present two accounts of gender identity and the relation we stand in to it, the sculptor account and the detective account, and argue that they both fail because they treat gender identity as too much of a determinate *thing*. It should be noted that these are not themselves accounts but rather are a cluster of multiple different accounts. Despite this, the core distinction between the accounts on the relation we stand in to our gender identity is the same, where the sculptor cluster of accounts posits gender identity as something we can have causal power over, and the detective cluster of accounts the opposite. I will then go on to explain why my probabilistic cloud model of gender identity is explanatorily virtuous. In §2 I will present the case of Alex

and Abhinav and analyze their experiences with regard to the sculptor account and the detective account, and how they present issues with both accounts, as well as evaluate these accounts more broadly. In §3 I will argue that both of these views fail because they cannot account for the experiences of both Alex and Abhinav. I will also present that the sculptor and detective accounts’ treatment of gender as a determinate thing is undesirable for independent reasons, and I will argue instead that we should think of gender identity as something that is indeterminate but does exist in a given space, a probabilistic cloud.

Sculptor Account

This account of the relation we stand to our gender identity posits that we have an active role in shaping our gender identity.¹ In this analogy, we are the sculptors of our gender identity, with gender experiences—that is, the experiences that we judge to have an important gender content to us and that make us feel a certain way that we feel to be connected to our gender identification, such as being referred to by correct pronouns, wearing clothing that aligns with one’s gender identity, etc.—being the clay used in that sculpture.²

Take the case of Alex, who for the past 20 years has been confident in her gender identity as a trans woman. She has undergone social transition, dresses in a stereotypically feminine way, refers to herself by female pronouns, etc. Now imagine that one day she looks in the mirror and finds that she feels more androgynous. Say they now start experimenting with gender-neutral pronouns, gender-neutral presentation, etc. Coming to terms with this, Alex may rule that their gender identity is non-binary, but they were not mistaken about their gender identity in the past. Alex always approached their gender identity in good faith, attempting to build an understanding of their gender that matches their understanding of themselves. Prior to looking in the mirror that day, Alex had taken the sum total of their gender experiences and from that sculpted the sculpture that was her gender identity. After receiving this new experience, like fresh clay, she changed her sculpture. It is important to note that while Alex was passive in looking in the mirror and feeling themselves to be more androgynous than not, they were active in making their understanding of their gender identity aligning with their conception of themselves. This involves both changing their expression and outward behaviour to appear and present as non-binary, as well as recognizing the change of their internal mental state.

This kind of active relation that we stand in regarding our gender identity is reflected in the self-identification account of gender identity. This account presents that our gender identity is the product of the phenomenological synthesis of our gender subjectivities, the sum total of our gender experiences, where the phenomenological synthesis takes the gender subjectivities and synthesizes them into the whole that is our gender identity.³

The upshot of this account is that phenomenological synthesis allows those with the same gender subjectivities to still have different gender identities.⁴ Take Alexis,

1 Florence Ashley, “What Is It Like to Have a Gender Identity?” *Mind* 132, no. 528 (2023): 1060.

2 Ashley, “What Is It Like to Have a Gender Identity?” 1057

3 Ashley, “What Is It Like to Have a Gender Identity?” 1054.

4 Ashley, “What Is It Like to Have a Gender Identity?” 1060.

who has essentially the same history of gender subjectivities as Alex and formulates her gender identity in a very similar way yet never goes on to change the way she views her gender identity. The value of this is that it provides an account of gender that is not purely deterministic from gender experiences and is consilient with the diversity of identity in the trans community. Put another way, gender identity is *under determined* purely by gender experiences, with phenomenological synthesis piecing together the gender identity into a coherent whole.

One of the most insightful applications of this account is for those who identify as gender fluid. Those of a gender fluid identity may not feel especially committed to any one gender identity, finding themselves oscillating between different identities, or just unable to confine themselves to one. Applying this to the analogy, it would be as if the sculptor regularly changes the sculpture while using the same clay. Whether the individual feels more masculine or feminine or non-binary is shaped by the individual, without necessarily having some new gender experience causing this change. Individuals may choose not to make a sculpture at all, which is a way that we can understand agender conceptions of gender identity.

The drawbacks of this active account of the relation that we stand in to our gender identities is that it runs into conflict with the view that those of a particular gender identity, even if they came to the realization that they were of that gender identity later, are and have always been that gender identity. Take Abhinav, who at 25 had the epiphany that, despite being assigned female at birth, he is in fact male. Abhinav identified as being female prior to this moment, not realizing that he was actually male and just conforming with the gender he was socialized as. Abhinav does not consider himself to have *become* male so much as realized that he is. Looking back on all his life experiences, thinking back to those moments where he was discouraged from playing with dolls, from wearing Kurta instead of Lehenga at weddings, cutting his hair short, etc. These experiences are evidence to him that his gender identity is male. Under the sculptor/self-identification account, Abhinav only *became* male at the point when he performed a phenomenological synthesis of his gender subjectivities at this epiphanic moment. Prior to this, he was still synthesizing his gender subjectivities in such a way that held he had a male gender identity.

The sculptor's account may attempt to get around this by arguing that he may have been performing a phenomenological synthesis of his gender subjectivities prior to his epiphany, but they were not veridical, they were wrong. However, by presenting that there could be falsity in the phenomenological syntheses of our gender subjectivities, the account loses what makes it valuable in the first place, which is that it makes it such that we shape our own gender identities, without regard to some standard in mind. The sculptor account may attempt to get around this by presenting that the sculpting was occurring subconsciously, however it does not seem intuitive to say that we were actively involved in shaping our identity if we never actively thought about doing that. It would be like saying the sculptor thoughtfully sculpted while sleepwalking. The key is not just causal agency but *conscious* causal agency.

If the self-identification account is to accept that we can be wrong about our gender identities, that implies that we can also be right about them. However, in so doing it presents that there is a fact of the matter as to what our gender identity is, independent

of what we create, when the gender identity should just be what is created.

The sculptor accounts struggle in that they cannot simultaneously capture the experiences of Alex and Abhinav, experiences that are common in the trans community. The account is better at explaining Alex's case than Abhinav's. The following account exhibits the opposite yet will still be flawed on account of its inability to capture the experiences of both individuals.

Detective Account

The detective account sees us standing in a passive position to our gender identity.⁵ The detective view presents that we do have a gender identity "in us," and it is through an evaluation of our gender experiences that we come to judge which of those experiences most aligns with us. In the analogy, gender identities are lined up like suspects, and gender experiences serve as the evidence for the case, from which we determine what gender identity most closely aligns with those experiences.

This account of the relation we stand to our gender identity is particularly powerful at explaining the cases of individuals who later in life judge that their gender identity is something different, and they have in fact been that identity their whole lives. This is exemplified in the case of Abhinav, presented earlier.

The benefit of this account is that it offers a view that presents that our gender identities are a fundamental part of our identity. When we try to understand our gender identities, we are not constructing a gender identity so much as coming to better grips with it.

This account is in line with much of the way that cisgender individuals, as well as many transgender individuals, relate to their own gender identity. For cisgender individuals, many have a very passive understanding of their gender identity, not actively shaping it, rather it just being a part of who they are. It could be that for these individuals, their gender identity is something they do not give much thought to, given their socialization, but even under this situation, there is a passive position held to one's gender identity. Using the language of the detective account, it is the easiest case ever. All the evidence points to one and only one suspect such that it is frankly pointless considering any other. Among transgender individuals, many view the case as similarly easy, where it is just so incredibly obvious to them that they are the gender that they profess to be, and in fact have always been that gender identity.

As well, the trans community has a term to refer to those who are trans yet who are not currently aware of it: eggs. Their true gender identity is suppressed within the shell, sometimes forcefully, and "hatching" is realizing oneself to be trans. This term implies that while someone is not aware that they are trans, that does not change the fact that they are. It also presents that the true gender identity is actually within them, not something that is created.

This account also permits the possibility of being wrong about our gender identity. Under this account, for S to falsely judge that G is their gender identity is for S to judge a gender identity that is incongruent to their experiences to be theirs or perhaps judge that

5 Rach Cosker-Rowland, "Gender Identity: The Subjective Fit Account," *Philosophical Studies* 181 (2024): 2708.

which is not a gender experience to be such and influence their judgment of what is their gender identity. To say that there is incongruence in the attitudes towards the gendered experiences and the gender identity is to say that the way that S feels towards those gender experiences does not line up with what would be expected given their gender identity. This can be most clearly seen in the case of gender dysphoria, where there is a feeling of incongruence between how S feels about their gender experiences and the gender identity that S is socialized as or thinks themselves to be. Putting this in the language of the detective account, S could make the wrong judgement about the case from the evidence that they have or falsely take something to be evidence is (The possibility of the latter is something even Ashley admits).⁶

Being wrong about a self-assessment of one's gender identity amounts to them having gendered experiences, and upon having those experiences, coming to some judgement about their gender identity. Although, that judgement is one that is not actually congruent with their view of themselves, with this incongruence usually stemming from a sense of gender dysphoria. The case of Abhinav from earlier exemplifies being wrong about one's gender identity, where he falsely judges his gender identity to be female until he has this epiphany at 25.

One of the accounts of gender identity that broadly mirrors the detective account is the subjective fit account put forward by Cosker-Rowland. This account presents that for a subject S to have a gender identity G is for S to feel that G "fits" their gender experiences and view of themselves.⁷ Under this account, our gender identity involves taking our gender experiences and evaluating whether they fit our own view of ourselves and our gender identity. This account aligns with the detective account because there is some gender identity that we judge to be the one that is most consistent with our gender experiences, like the detective judging the suspect whose testimony aligns most closely with the evidence of being the one who committed the crime.

The issue with this account is that it seems odd to say that our gender identity is just some inherent part of our nature that just exists, waiting for us to discover it. Gender theorists have historically taken gender to be something of a social construct, being formed out of the context of societies and societal structures.⁸ Moreover, no two societies have had the exact same concept of gender. Moreover, several societies have had some concept of a third gender. With all of this social influence, it seems odd to say that there exists some gender identity that just is present "in us" as part of our identity. Even if we are not to take a social view of gender, this account is still subject to similar problems. Psychological accounts of gender identity may appear promising, but they fail in capturing the breadth of experiences that characterise what it is for one to have a gender identity. The brain structures of trans women are closer to those of the brain structures of cis women than they are cis men, but that refers to a neuroanatomical similarity between these groups (hardly deterministic about the complex views someone may have towards

6 Ashley, "What Is It Like to Have a Gender Identity?" 1065.

7 Cosker-Rowland, "Gender Identity: The Subjective Fit Account," 2701.

8 J.T. Ton, "Judith Butler's Notion of Gender Performativity: To What Extent Does Gender Performativity Exclude a Stable Gender Identity?" (Bachelor's thesis, Utrecht University, 2018), 8.

their gender identity) and how they may feel about individual gender experiences.⁹

It may be argued in defense of this account that our gender identity is partly shaped and determined by our societal influences, leading to our gender identities adapting to match that of the context they are in. In terms of the detective account, in different societies there may be a completely different set of suspects. However, in the case of Abhinav, his gender identity is somewhat of a foregone conclusion. Even if there were different suspects, that would not change the fact that the evidence most closely matches whichever suspect it does. The social influences in this instance affect *what* gender identities are deemed socially permissible, not what Abhinav's gender identity actually is.

What this analysis of the psychological and social views of what gender is meant to demonstrate is that regardless of what kind of stance we want to commit ourselves to on the nature of gender itself, prior to even gender identification, the detective account struggles to capture the full totality of what it means to have a gender identity per those accounts of what gender itself is.

Away from Gender as a Determinate Thing

Both the sculptor and detective accounts presented earlier demonstrate clear strengths and weaknesses. The sculptor account captures cases where gender identities can change and puts agency of our gender identity into our own hands, yet it struggles to explain cases of constant gender identity and recognizing one's gender identity to have been there for their whole life despite only realizing later in life, like the case of Abhinav. The detective account captures those who feel themselves to have always been the gender identity they are, as well as being consistent with a view that we can be wrong with evaluating our gender experiences as such. However, it struggles to explain those who feel that they change and affect their gender identity, like the case of Alex.

These accounts appear to be at odds, but they both share a fundamental attribute: they treat gender as a determinate *thing*. To take such a view is to say that a gender identity *X* is something discrete at some time that we can determine. Putting this into the language of the accounts, the sculptor account treats gender identity as a determinate thing, that being the sculpture, and the detective accounts also treats gender identity as a determinate thing, that being the culprit.

Gender being treated as a determinate thing is something that I take to be undesirable for independent reasons. By making gender identity something determinate, these theories fail to capture the complexity of those who feel like no terms could capture the whole of their gender identity. This is something that even self-identification accounts of gender identity acknowledge as a problem.¹⁰ A determinate conception of gender identity ignores much of the nuance that they themselves associate with their gender identity and the concept of gender more broadly.

I propose that we change the way we think about gender from being a determinate thing, to a view of gender as a "probabilistic cloud" within which gender identities exist. This model avoids the independent concerns of determinate gender identity flagged earlier

9 C.E Roselli, "Neurobiology of Gender Identity and Sexual Orientation," *Journal of Neuroendocrinology* 30, no. 7 (2018): 5.

10 Ashley, "What Is It Like to Have a Gender Identity?" 1066.

(and by extension issues present in both the sculptor and detective accounts given they both take gender to be a determinate thing) and captures the experiences of both Alex and Abhinav.

This approach draws from physics, specifically the developments of quantum mechanics. Prior to the formulation of quantum mechanics, the most accurate physical view of the nature of the atom was the Bohr model. This model shows electrons in stable orbits around their nucleus. However, the contributions of Schrödinger demonstrated that electrons do not follow stable orbits around the nucleus but instead can be found in a probabilistic cloud around the nucleus. This means that the electron exists within that probabilistic cloud, as opposed to obeying one stable orbit around the nucleus, and its behaviour is more like a smear (for a visual representation of this refer to Appendix A).

Under this view, gender identity does exist, but is indeterminate at one exact instance, as it exists within the probabilistic cloud.

This probabilistic cloud has a size, shape, and location, and these are all subject to change.

The cloud size refers to the identities that an individual could conceivably accept. Someone who is gender fluid may have a very large probabilistic cloud, capturing male, female, non-binary, and other gender identities, whereas someone who is, say, a cisgender or binary trans person may very well have a very small probabilistic cloud, capturing only, say female gender identities.

A change in size can refer to an expansion or contraction and involves a change in the range of gender identities that fall within the probabilistic cloud. Say an individual judges that they are female but, as they get older, feel they are more androgynous than they originally thought. In line with this, she might start using she/they pronouns or even they/she pronouns, presenting more androgynously, etc. A contraction in the size of the probabilistic cloud refers to the exact opposite.

Location designates the gender identities that fall within the probabilistic cloud. For Abhinav, his probabilistic cloud is located in a region that is broadly labelled as male. A change in location denotes when the probabilistic cloud of possible gender identities translates from one “location” to another. This is exemplified in the case of Alex. The location of the probabilistic cloud of their gender identity was before around female gender identities but later moved to more androgynous identities. It also could have moved somewhere else.

This account leaves open the potential for being wrong about our gender identities. In the case of Abhinav, prior to his epiphany, he judged his gender identity to be something that it was not. Putting this in terms of the probabilistic cloud model, he believed his gender identity to be located somewhere it was not. He previously believed that it was around broadly female-associated gender identities, but through reflection came to realize that he was wrong in that assessment. Furthermore, he finds that his gender identity was always located around more male-associated gender identities than it was around female-associated gender identities.

This account allows us to keep the commonsense gender markers of male, female, non-binary, etc., that are classed as the “determinate things” in the sculptor and detective accounts. To do so, we label certain regions of where the probabilistic cloud can exist as

being female, certain regions as male, etc. As such, Abhinav taking “male” to be his gender identity amounts to saying “the location of the probabilistic cloud of my gender identity is in the male region.” The boundaries of this region can depend on the individual, societal forces, etc. These are of course broad characterizations, and there is debate on where those lines would be drawn, but suffice it to say that this way of understanding gender identity markers allows for common-sensical interpretations of what gender identity is and the broad range of what our gender identities can be.

There are also those whose gender identity cannot be neatly slotted into one gender identity marker or another. In the probabilistic cloud account, this would amount to the identity being somewhere between gender identities or landing somewhere outside what is broadly labelled. There is not some deep metaphysical significance about the labelling; it is rather a pragmatic approach to gender identity that allows for easy access to social facts about the individuals in question.

Another complexity that the account can capture is the difference between internal conceptions of gender identity and the external expression of one’s gender identity. Ashley gives a case of a friend of hers who uses different pronouns depending on the situation she is in, using certain pronouns when in professional settings and certain other pronouns when outside of them.¹¹ A way to conceptualize this in line with the model is to understand this in terms of complexities emerging from different axes our gender identity can manifest on. Here the axes in question are internal conceptions of one’s gender identity and the way gender identity manifests in terms of outer expression. The model gives us multiple potential instructive answers to this end. It could be that Sam just has two probability clouds, which are active or not depending on her situation. It could be that she just has a large gender identity cloud that stays mainly the same on the axis of internal self-perception but changes at external self-perception.

This is not the subject of this paper, but the question of whether or not someone is something because of their outward expression of such a trait is a fascinating one in the philosophy of identity, and the intuitions can seemingly be quite different depending on the identity marker. It may be intuitive to label someone whose acts outwardly affect right-wing social change as a conservative, even though they may internally identify as a liberal. On this account, what it means to have a political belief amounts to the consequences of a particular set of behaviours. This intuition may not be shared with gender, as accounts of gender mostly stress internal conceptions of gender identity as being of prime importance. Both the sculptor and detective accounts emphasize an internal process of understanding gender identity, with other expression being somewhat irrelevant to someone’s gender identity. However, this is not a facet of all versions of gender identity. For example, the norm-relevancy account (which is arguably part of the detective account cluster of views) emphasizes the influence that our external behaviour has on our gender identity, with our gender identity essentially being the ways in which we engage with our external environment and the social norms that exist in that environment.¹²

Returning to the issue of gender identity markers, these markers are similar to the Bohr model, in that while they do not reflect the entirety of the experience of having

11 Ashley, “What Is It Like to Have a Gender Identity?” 1063.

12 Cosker-Rowland, “Gender Identity: The Subjective Fit Account,” 2713.

a gender identity, they are good enough at conveying it. Similarly, the Bohr model is often good enough to do chemistry, even though the Quantum model is technically more accurate.

The problem with previous accounts of gender identity is their ability to get the totality of gender experiences to align with a particular gender identity marker. This is similar to using the Bohr model to capture the totality of the behaviour of the electron. Of course, gender markers are going to fail at this task. They are like the Bohr model: they are often good enough, but they are not able to capture the totality of the truth of gender identity, and that is fine, so long as the appropriate model is used in the situations that call for it. Both the sculptor and detective account fall victim to this, where they both take gender to be a determinate thing, profoundly simplifying the complexity that can come from gender identity. The probabilistic cloud model of gender identity presents a view of gender identity that starts from the gender experiences and understands gender identity markers as roughly attempting to categorize those experiences.

Conclusion

This paper is centrally concerned with whether we can have causal powers over our gender identity. It is theoretically possible but does not necessarily have to be the case. In the case of Alex, gender identity is something that can change. They can actively push that change in the direction that they feel best resembles them, by both changing their internal and external behaviour to better reflect their own self-conceptualization of their gender identity. In the case of Abhinav, his gender identity is just fixed, even though he misattributed it for much of his life. We can change the location and size of our gender identity cloud, but where our gender identity is within that cloud is indeterminate. Our gender identity clouds essentially determine what gender identities and attitudes toward gender identity we feel reflect our self-understanding, and how our gender identity actually manifests at a particular moment is explicable by an actualization of a probabilistic value within the gender identity cloud. It is not completely illusory, and it is more likely to be certain identities than others, but it is still indeterminate and is closer to a smear of different identities and responses to gender experiences than a single, determinate gender identity.

In this paper, I have argued for the probabilistic cloud model of gender identity by presenting the sculptor and detective accounts of gender identity and the relation we stand in to it, showing why both fail at capturing basic testimony of trans individuals, and presenting how my own account does. I discussed why a view of gender identity that presents it as something that is determinate is undesirable for independent reasons and how my indeterminate account of gender avoids these problems and captures experiences paradigmatic to both the sculptor and detective account. I also presented how my account allows us to keep our intuitive notions of gender identity. This model involves treating gender as an indeterminate cloud of gender identities, around which an individual's gender identity is located. I present that in developing this view of gender, we can invoke the concepts of "size" and "location" to describe the potential gender identities of individuals. "Size" refers to the range of possible gender identities that a particular person's gender identity can be. Larger gender identity clouds indicate something like

gender fluidity, whereas smaller gender identity clouds usually would correspond with cisgender individuals' view of their gender identity, with their responses to gender experiences being largely similar. "Location" here refers to the actual identity taken on by the individual, where a particular location could correspond with a female gender identity, for example. This paper concluded by arguing a middle position between the sculptor and detective account, presenting that we can have causal powers over the location and size of our gender identity clouds, but since our gender identity is indeterminate, we cannot control exactly where our gender identity is going to be at any given moment. We can have control over the overall location of the cloud, that being the range of possible gender identities we feel to some extent reflect who we are and what matches our self-conception of ourselves, but we cannot control where in that cloud our gender identity will manifest itself.

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Appendix:

