

Can a woman have a penis? How to understand disagreements about gender recognition

August 28 2018, by Katharine Jenkins



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Members of a small women's rights group, [Liverpool ReSisters](#), have declared that "women don't have penises." They seem to be very

confident of this point, having gone as far as to paste stickers claiming as much onto the genital areas of some of the statues that make up Anthony Gormley's artwork [Another Place](#) on Crosby Beach near Liverpool. It's an attention-grabbing stunt. But are they right? Well, it depends on what they mean by "women."

That claim might sound strange. We might think that it's obvious what "woman" means. And that's partly because there's a myth about men and [women](#) that has had a firm grip on our society for a long time. It goes like this: "There are exactly two kinds of people. One kind, men, have a penis, testes, and XY chromosomes, and the other kind, women, have a vulva, uterus, breasts, and XX chromosomes. Everyone is one or the other. Men and women have different character traits that follow naturally from their different bodies, and therefore are suited to different social roles."

Over the last half-century or so, we have learned that hardly anything about this myth is true.

People's bodies come in all sorts of configurations that [don't match up neatly with this division between male and female](#), and there's no straightforward link between a person's sexed body and their character traits. The system of social organisation based on sex limits people's choices with no good reason. It ensures that men on the whole have greater power, opportunity and status compared to women.

On top of this, many people have a subjective sense of themselves as men, women, some other gender, or none at all, known as gender identity. Gender identity is not determined by a person's body type, personality, or social role. Rather, it's a matter of how someone feels most comfortable navigating our gendered society. Trans people are people whose gender identity is different from the way they were categorised as male or female at birth based on their body.

Unpicking the myth

The myth that men and women have different characters and are suited to different social roles makes it seem like there is one thing going on here – [biological sex](#) – which has all sorts of natural implications. Some feminists have suggested that it's better to think instead that there are two things going on: [biological sex, and also gender](#), which can be thought of as the social upshots of having a biological sex in a society that's in the grip of the myth I just described.

But whether we think in terms of one thing (sex) or two things (sex and gender), this is far too simple. Gender/sex is actually a complex, multifaceted cluster of things that interrelate and interact in myriad ways.

To see why this is so, think about all the different ways that we could divide people up based on gender/sex. Even if we just limited our focus to people's bodies, we'd have lots of options: should we focus on chromosomes, or genitals, or secondary sex characteristics such as breasts and beards? Each of these would give us different results about who goes in which category. And when we move to look at the social world, it gets even more messy. If we focus on people who are perceived and treated as women or men, we'll get different results in different contexts. Looking at gender identity will get us still more results, as will looking at how people fit in with stereotypes of gendered character traits (being caring, for instance) and at how people are legally classified.

What should we mean?

Now, if gender/sex was one single thing, then there would be a single, definitive answer to the question, "Can women have penises?" As we've seen, though, it makes much more sense to think that gender/sex is not

one single thing, but rather many different but related things. And that means that we can't answer the question until we know what aspect of sex/gender we are trying to pick up on with the word "woman."

More importantly, we also need to ask what aspect of sex/gender we should be trying to pick up on, given what we want to accomplish and the circumstances we are in. For example, for certain medical purposes – tests for different kinds of cancer, say – it would be most useful to divide people up based on their internal reproductive organs. For the purposes of tracking certain kinds of discrimination – job candidates not being hired because those doing the hiring think they might soon become pregnant and take maternity leave, for instance – it makes sense to focus on how people's bodies are perceived by those around them. And if we wanted to divide people into those who can perform care work well and those who cannot, then no aspect of gender/sex would help us do this, because the skills necessary for care work don't have anything to do with gender/sex.

Why it matters right now

At the moment, the UK government [is consulting](#) on whether it should make changes to the 2004 Gender Recognition Act, the piece of legislation that currently provides for trans people to be able to change their legal gender, including the gender on their birth certificate. Given the timing of their protest, it's reasonable to assume that when the Liverpool ReSisters say that "women don't have penises," they are referring to how people's legal gender should be decided.

However, there are good reasons to think that what matters for legal gender is actually gender identity. This is because the function of legal gender markers is to allow people to move through gendered society in certain ways – and gender identity is a matter of how someone feels most comfortable navigating gendered society. Trans people who are

forced to move through society in a way that is fundamentally at odds with their gender identity report that this is a deeply distressing and harmful experience, and there is every reason to believe that these reports are truthful. Taking these harms seriously, in my view, means that the state's recognition of people's gender should pick up on gender identity.

If this is right, what does it mean for the Liverpool ReSisters's claim that "women don't have penises"? Well, since [gender identity](#) is not determined by what kind of genitals someone has, a person with a female [gender identity](#) might well have a penis. In other words, yes, some women do have penises.

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