Transitioning Regulatory Kinds: Why Gender Transition Isn't Analogous to 'Race Transition'

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Abstract

This article offers a hybrid account of regulatory kinds and subjective fit to explain why the oft-invoked analogy between gender transition and so-called race transition fails both conceptually and normatively. The argument—recently circulated in popular commentary and endorsed by figures such as Richard Dawkins—suggests that if gender transition is legitimate on the basis of social construction, then racial transition should be equally so. Yet since racial transition is generally regarded as illegitimate, the analogy concludes that gender transition must be suspect. I argue that this inference rests on a category error: it conflates social construction with norm-governed intelligibility. Drawing on Brewer's framework of regulatory kinds, I show that while both race and gender are socially constructed kinds, they are constituted by distinct clusters of norms regulating membership, uptake, and legitimacy. Gender, as a regulatory kind, includes historically evolving norms that accommodate agent-led transitions—reflecting the social uptake of authenticity, lived identity, and self-determination. Race, by contrast, embeds genealogical and cultural norms that systematically exclude such transitions from intelligibility. I supplement this account with Cosker-Rowland's theory of subjective fit to illuminate why the phenomenological texture of gender identity has become central to normative recognition, whereas race has not. By clarifying the regulatory asymmetry between these kinds, the paper shows that the race/gender analogy fails not because the categories differ in kind or in construction, but because their underlying normative architectures license different forms of legitimate change. Recognizing this distinction is not merely a matter of conceptual hygiene, but a moral and political necessity.

Keywords: regulatory kinds, gender identity, transracialism, social ontology, normativity, subjective fit

Introduction

A recurring argument in gender-critical discourse proposes that if we accept gender transition as legitimate, then we should, for the sake of consistency, also accept the legitimacy of race

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transition. Since the latter is widely regarded as illegitimate, it is concluded that the former must be illegitimate as well. The argument depends on a principle of parity: both race and gender are socially constructed, and so the normative space for transition should, in principle, be symmetrical.

This line of reasoning was most recently recirculated in public discourse when Richard Dawkins shared an article on social media articulating this view.[1]

The article argues that support for gender transition but not race transition reveals an incoherent application of social constructivism. Dawkins did not write the piece but amplified it. The argument trades on a seemingly straightforward demand for consistency: if two social categories are constructed, then reclassification in each should be similarly permissible. The rejection of race transition, on this view, exposes a double standard in contemporary identity politics.

The analogy has intuitive appeal, especially when reduced to formal symmetry. But it is also, I will argue, philosophically confused. It overlooks important differences in how social kinds are constituted and regulated, and it fails to attend to the normative structures that govern recognition and transition within those kinds.

To clarify what is going wrong in this analogy, I draw on a conceptual tool I have introduced elsewhere: the framework of [2]

This is not intended as a totalizing theory of social ontology, but as a heuristic device for analyzing the norms by which social categories are stabilized and modified. Regulatory kinds are kinds whose membership is governed by socially established norms across multiple institutional domains—legal, medical, epistemic, and interpersonal. What makes something a member of such a kind is not biological essence, but normative recognition.

In this paper, I argue that gender and race are both regulatory kinds, but that they differ fundamentally in the norms that govern legitimate transitions. Gender has come to include norms that authorize agent-led transition under specific social and medical conditions. Race, by contrast, is structured around genealogical, historical, and community-based criteria that do not support similar transitions. The analogy fails not because race and gender are essentially different, but because they are differently regulated.

The argument to follow unfolds in several parts. First, I reconstruct the logic of the gender-critical analogy and identify its core assumptions. Then I explain how the framework of regulatory kinds clarifies the failure of the analogy by attending to the norms of recognition specific to each category. I incorporate phenomenological insights into subjective fit and lived dissonance to show why gender transition has been normatively accommodated, whereas race transition has not. Finally, I consider the ethical and epistemic stakes of conflating these categories, arguing that the analogy not only fails conceptually, but also distorts the lived realities of both trans and racialized subjects.

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[1] See the article shared by Richard Dawkins on X, originally authored by Jerry Coyne and published on 12 May 2025 at 'WhyEvolutionIsTrue.com', which argues that if both sex and race are social constructs, then transition across either category should be treated symmetrically.

[2] For a detailed development of the regulatory kinds framework used in this paper, see Brewer (2024). This preprint offers a formal account of socially constructed kinds whose membership is governed by stable, normatively actionable regulatory structures. Available at the PhilSci Archive: https://philsci-archive.pitt.edu/24999/

1 Framing the Analogy and Its Appeal

The analogy under scrutiny is usually presented in the form of a conditional inference: if gender transition is legitimate, then race transition should be too. Since race transition is widely rejected, the inference concludes, gender transition must likewise be illegitimate. On its face, the argument has a kind of logical clarity. It adopts the structure of a simple modus tollens:

> *P1. If gender transition is legitimate, then race transition is legitimate.*
> *P2. Race transition is not legitimate.*
> *C. Therefore, gender transition is not legitimate.*

In some contexts, this is presented merely as a thought experiment: if we accept that both gender and race are socially constructed, then by what consistent logic do we allow transitions in one case and not the other? When phrased this way, the argument functions less as a conclusion than as a challenge: it asks defenders of gender transition to explain why similar claims about race are denied.

To evaluate this analogy seriously, we need to distinguish its logical structure from its rhetorical role. As an argument, it appears to demand consistency in how we treat constructed categories. But as a rhetorical device, it often functions to discredit gender transition by attaching it to something already seen as implausible or politically fraught. The underlying assumption is that if transracial identity is absurd, then transgender identity must be too.

Importantly, the analogy does not rest on a claim of biological sameness between race and gender, nor does it depend on a strong metaphysical theory. Instead, it presupposes a kind of moral and conceptual symmetry: that constructed categories should be equally revisable, and that failure to treat them as such amounts to special pleading.

This symmetry assumption is the linchpin of the analogy. And it is precisely here, I will argue, that the analogy misfires. The problem is not that gender and race are essentially different in some deep metaphysical sense. Rather, it is that the norms governing membership and transition within these categories differ in ways that are not captured by the analogy. To see why, we need a more detailed account of how these norms function—a task for which the framework of regulatory kinds is well suited.

2 Why Regulatory Kinds?

If the analogy between gender and race transition fails, it is not because these categories are natural kinds or biologically grounded. Most contemporary theorists agree that both race and gender are socially constructed. The difficulty lies elsewhere: in how these categories are constructed and, more specifically, in the normative structures that regulate how membership is assigned, maintained, or changed.

Standard accounts of social construction often emphasize the contingent, culturally variable, and power-laden nature of kinds like race and gender. These insights are important, but they leave certain practical questions under-specified. In particular, they do not tell us how

legitimacy is determined when someone seeks to move across such kinds. Social construction explains that categories are made and remade; it does not by itself explain under what conditions transitions are recognized as valid, or who gets to make those determinations.

Some philosophers have attempted to address this gap by offering ameliorative definitions of contested categories—redefining a concept in terms of the function it ought to serve.[3] This approach is helpful when the goal is conceptual reform, but it often presupposes the very legitimacy of a category's boundaries that are under dispute. In cases like the one at hand—where the central issue concerns whether a transition is valid or recognized—it is not clear that ameliorative methods provide the relevant tools.

What is needed instead is a way to track how social kinds are governed by norms of recognition—norms that determine who counts as a member, under what conditions, and through which institutional practices. It is for this reason that I have proposed the framework of *regulatory kinds* as a helpful device.[4] The core idea is modest: some social categories are constituted by stable clusters of norms that operate across domains—legal, medical, epistemic, interpersonal—to regulate membership and recognition. These norms do not merely reflect how a kind is used; they help define what it is.

The value of this framework lies in its specificity. It does not treat all social categories as structurally alike. Nor does it assume that being socially constructed entails the same recognitional logic across kinds. Instead, it highlights that some kinds are regulated in ways that support agent-led reclassification—gender being a paradigmatic case—while others, like race, are not.

Importantly, regulatory kinds are not defined by how people feel about their identity, nor by metaphysical commitments about realness. They are defined by the publicly available norms that govern how identity claims are recognized or rejected in a given social context. This makes the framework particularly useful in evaluating analogies—such as the one between race and gender transition—that rest on assumed equivalence in the structure of recognition.

In the sections that follow, I apply this framework to show why the analogy misfires. The relevant asymmetry is not in how people feel, or what they believe about themselves, but in how the kinds themselves function as sites of recognition.

3   Gender and Race as Differently Regulated Kinds

Having introduced the idea of regulatory kinds, we can now consider how gender and race function differently as socially constructed categories. Both are maintained through institutional norms—legal, medical, cultural—but the content and structure of those norms differ in important ways, especially when it comes to questions of transition.

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[3]See Haslanger, S. (2012). *Resisting Reality: Social Construction and Social Critique.* Oxford University Press; Jenkins, K. (2016). "Amelioration and Inclusion." *Ethics*, 126(2), 394–421.

[4]Brewer, M. A. (2024). "Regulatory Kinds." *Synthese.* https://doi.org/10.1007/s11229-024-04127-2

3.1 Gender: Norms Supporting Agent-Led Reclassification

Over the past several decades, the norms governing gender have undergone a transformation. In many social and institutional contexts, it is now possible for individuals to move from one gender category to another in ways that are officially recognized. These transitions are not informal or merely symbolic. They are supported by structured institutional pathways: name and marker changes in legal documents, access to gender-affirming healthcare, and revised classification in educational and workplace settings.

These changes reflect an evolving recognition that gender identity is not reducible to assigned sex, and that subjective experience of gender may legitimately ground claims for reclassification. In this respect, gender functions as a regulatory kind whose norms increasingly accommodate agent-led transition. The conditions under which such transitions are considered legitimate—such as persistence of identification, medical support, or social role integration—are not arbitrary. They are norm-governed, and their proliferation indicates a shift in what counts as acceptable grounds for gender recognition.

Crucially, the recognition of gender transition is not simply a matter of individual choice. It is a response to the perceived legitimacy of certain forms of gendered self-understanding, supported by public norms that now regard such transitions as morally and epistemically credible. The regulatory architecture has changed, but it remains structured.

3.2 Race: Norms Grounded in Genealogy and Collective History

Race, by contrast, remains regulated in a way that resists agent-led transition. Despite being socially constructed, racial categories are typically grounded in genealogy, ancestry, and community affiliation. These categories are not self-assigned but are conferred, contested, and stabilized through collective historical processes.

This structure becomes clear in cases where individuals attempt to change their racial classification on the basis of identification alone. The most well-known example is Rachel Dolezal, a white woman who publicly identified as Black and held leadership roles in Black community organizations. Her claim to Blackness was widely rejected—not merely because it was unusual, but because it failed to align with the norms through which racial identity is recognized and conferred.[5]

The regulatory norms that govern race tend to prioritize descent, shared historical experience, and cultural participation over individual self-identification. These norms are not without contestation, but they are relatively stable, and they shape the boundaries of racial kinds in a way that forecloses transition as a legitimate category move.

3.3 Asymmetry Without Incoherence

The fact that gender and race are differently regulated does not reflect a double standard. Rather, it reflects the distinct normative functions each kind performs. Gender has increasingly come to be seen as a site of personal identification and subjective fit, whereas race

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[5]Dolezal's case is discussed at length in Tuvel (2017), who controversially defends the possibility of transracial identity. For critical responses, see Mills (1998) and Spencer (2014).

remains tied to historical and political lineage. Both are socially constructed, but their social construction has taken different institutional forms.

The regulatory kinds framework clarifies that transitions are not simply about whether someone wants to be recognized differently, but whether the kind in question includes norms that support such reclassification. Gender does. Race, at present, does not. This asymmetry is often interpreted as a contradiction or inconsistency, but it is more accurately understood as a divergence in how recognition is regulated across kinds.

4 Subjective Fit and the Normativity of Gendered Experience

Rach Cosker-Rowland (2021) develops a conception of gender identity grounded not in metaphysical essence or inner psychological fact, but in the socially structured experience of what she terms *subjective fit*. On this view, gender identity claims are justified when a subject does not take it to be unfitting—or positively takes it to be fitting—for themselves and others to treat them as belonging to a particular gender kind. Fit, in this sense, is not reducible to affective comfort or introspective conviction; rather, it reflects a subject's norm-guided evaluation of their positioning within prevailing gender norms. One's gender identity is thereby located in the domain of first-personal normative orientation—not metaphysical discovery.

Cosker-Rowland's view avoids two common errors. It rejects metaphysical essentialism, which posits gender as a stable fact discoverable by introspection or biology. It also avoids voluntarism, which treats gender identity as a matter of arbitrary self-declaration. Instead, identity arises for her as a *practical* matter: a situated normative stance toward the social expectations and modes of recognition associated with a particular gender kind. Misfit occurs when these expectations fail to make the subject's agency intelligible. In such cases, dissonance is not merely emotional or psychological, but a normatively structured disruption to one's social intelligibility.

From this perspective, the claim "I am a woman" or "I am not a man" is not metaphysical, but justificatory. It registers the subject's attempt to resolve the failure of normative alignment by reclassifying their position in gendered space. The authority to make this claim does not rest on privileged introspective knowledge, but on the fact that only the agent is positioned to discern the enduring misfit of their current classification. Crucially, this authority is not unconstrained: Cosker-Rowland insists that such claims make sense only within shared gender norms that establish what counts as fitting or unfitting.

The strength of this view lies in its ability to capture the normative character of gender dissonance. It does not appeal to biological facts or metaphysical interiority, but to the subject's practical orientation within a norm-governed field. The notion of fit thereby tracks intelligibility: it answers not what one *is*, but how one can *live* under a particular classification. Gender identity, on this account, is that classification under which the subject can function intelligibly—can make sense of and be made sense of within the normative practices that constitute gendered life.

The framework of regulatory kinds provides a conceptual supplement that illuminates the social uptake conditions of such normative claims. While Cosker-Rowland explains the

first-personal logic of misfit and the justificatory structure of identity claims, regulatory kinds specify the institutional norms that govern whether such claims are recognized as legitimate. Regulatory kinds are structured by cross-domain norms that define the conditions for recognition, classification, and reclassification. They determine, not only who *is* a member of a kind, but also how such membership may be challenged or revised.

Gender, in many liberal-medical-legal contexts, now functions as a regulatory kind whose recognition norms have evolved to incorporate first-personal claims of subjective fit. In such contexts, the subject's sustained experience of misfit can be taken up as a legitimate reason for reclassification. The regulatory norms are sufficiently elastic to accommodate these claims—precisely because they have come to treat subjective dissonance as normatively significant.

By contrast, racial kinds remain governed by a different set of regulatory norms. These are historically and culturally anchored in genealogical, political, and descent-based criteria. Racial kinds do not treat first-personal dissonance as a legitimate basis for reclassification. Even when subjects experience racial misfit—whether due to upbringing, affiliation, or cultural formation—the regulatory norms do not recognize such claims as actionable. Cosker-Rowland's account may help us understand the experience of misfit, but regulatory kinds explain why only certain kinds are normatively responsive to that experience.

Taken together, these frameworks offer a bifocal explanation. Cosker-Rowland's account explains how and why dissonance motivates the agent's reclassification claim. Regulatory kinds explain why that claim may or may not succeed, depending on the norms structuring the social kind in question. The analogy between gender and race transitions breaks down at this structural level. It is not the authenticity of experience that differs, but the normative architecture that determines its uptake.

The preceding section articulated how Cosker-Rowland's account of subjective fit reveals the first-personal, norm-sensitive basis for gender identity claims. But the fact that such claims are normatively motivated does not, in itself, explain their social success or failure. This raises a further question: what determines whether such claims are taken up, legitimated, or refused by the classificatory systems that govern social recognition? It is here that the framework of regulatory kinds becomes analytically indispensable—not as a rival to Cosker-Rowland's phenomenology, but as the structural model that explains the conditions under which normative dissonance is institutionally actionable. The next section develops this account in detail.

5 Transition and Recognition: Regulatory Kinds as a Model of Uptake

The preceding account of subjective fit explains how individuals experience gendered dissonance as normatively significant, and how such misfit can motivate reclassification. But not all social kinds are equally responsive to such claims. The legitimacy of identity transition depends not only on subjective experience but also on the regulatory architecture of the kind in question. Here, the concept of a *regulatory kind*—as developed by Brewer (2024)—serves to model how social kinds regulate recognition and determine the conditions under which

normative dissonance becomes actionable.

A regulatory kind is constituted by stable, socially entrenched norms that govern who counts as a member of the kind, how membership is recognized, and under what conditions it may be revised. These norms operate across domains: legal, medical, epistemic, and cultural. What distinguishes regulatory kinds from simple categories is their normativity: they function not just to classify, but to prescribe the terms under which classification is legitimate. Importantly, some regulatory kinds are structured to be responsive to agent-led claims of misfit, while others exclude such responsiveness by design.

In many contemporary contexts, gender has evolved into a regulatory kind whose norms are increasingly structured around responsiveness to subjective fit. Legal systems in numerous jurisdictions allow individuals to change gender markers on identity documents through self-declaration procedures. Medical institutions—particularly those influenced by the depathologization of trans identities—have reoriented diagnostic criteria around persistent dissonance and lived experience, rather than external verification. Social norms in many liberal spaces treat trans individuals' self-understanding as authoritative, grounded in the epistemic privilege of first-personal dissonance. These shifts do not merely reflect political accommodation; they constitute a transformation in the regulative logic of the kind itself. The kind "gender" has become, at least in part, structured to hear and respond to dissonance.

The case of race is structurally different. Racial kinds remain governed by descent-based, genealogical, and cultural continuity norms. Legal and bureaucratic systems (e.g., census categories, affirmative action regimes) rarely permit individual agency to alter one's racial classification. Even when a subject experiences racial dissonance—due to familial upbringing, cultural immersion, or misclassification—the prevailing norms of racial recognition do not treat this dissonance as justificatory. Social uptake is blocked, not because the experience is unintelligible, but because the kind itself has not been configured to respond to such claims. The rejection of "transracial" identity is not merely a moral judgment; it reflects a structural rigidity in the kind's recognition logic.

This regulatory asymmetry explains why the gender–race analogy, as deployed in gender-critical discourse, fails. The analogy typically takes the form: "If gender transition is legitimate, then so must be race transition; but we reject the latter, so must reject the former."[6] This inference assumes that gender and race are structurally analogous kinds—that they encode the same regulative principles for membership and transition. But they do not. The asymmetry is not a failure of moral consistency but a reflection of distinct normative architectures.

Moreover, this asymmetry is observable at the institutional level. Gender transition is legally codified in many liberal states; race transition is not. Medical frameworks for gender dysphoria and gender affirmation exist and are increasingly de-stigmatized; no such frameworks exist for racial dissonance. Educational and activist discourse supports the legitimacy of trans identities; comparable support for "transracial" identity remains marginal, and often contested on principled grounds. These facts are not epiphenomenal. They are indicators of which kinds include responsiveness to subjective fit as part of their regulatory design.

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[6]See, for example, the article shared by Richard Dawkins on X, which asserts that if both sex and race are social constructs, then transition between either should be equally acceptable. https://whyevolution istrue.com/2025/05/12/once-again-if-both-sex-and-race-are-social-constructs-why-is-it-o kay-to-declare-youre-of-your-non-natal-sex-but-not-your-non-natal-race/

Regulatory kinds thus clarify the structural preconditions for the intelligibility and legitimacy of identity transitions. Cosker-Rowland explains how the experience of misfit emerges within a person's normative orientation. Regulatory kinds explain whether the classificatory system in which the subject is embedded is structured to recognize that claim. The legitimacy of transition is not given by individual sincerity alone, nor by the objective reality of social kinds. It depends on a match between lived misfit and the regulative logic of the kind.

To treat all transitions as equally legitimate or illegitimate is to miss this crucial point. It is not a mark of conceptual coherence to reject both gender and race transition on analogy; it is a mark of conceptual confusion. The analogy collapses precisely where clarity is most needed: at the level of social recognition, norm-responsiveness, and the institutional grammar of legitimacy.

The next section turns to the ethical implications of this structural distinction. It considers how the analogy not only mischaracterizes the kinds involved, but also does real moral damage—both to the lives of trans people and to the histories of racialized identity.

6 Why the Analogy Fails: Regulatory Asymmetries Across Social Kinds

With the conceptual groundwork in place, we can now assess the gender–race analogy in precise terms. The analogy asserts that since both gender and race are socially constructed, they must be equally open to transition. If gender transition is legitimate, then so too must be race transition—else the refusal of the latter signals inconsistency or ideological bias.

What this analogy fails to register is the way normativity operates differently within and across social kinds. It treats social construction as a homogeneous feature, as if all constructed categories shared the same logic of recognition. But social kinds are not defined merely by their constructedness; they are differentiated by the regulatory norms that govern classification, recognition, and revision. Gender and race are both socially constructed, but they are not regulated by the same justificatory schema. The analogy imports the regulatory logic of one kind—gender—into a domain where that logic has no normative traction.

On the view developed here, regulatory kinds are not only constituted by norms, but stabilized by multi-domain practices that govern recognition. These include legal frameworks, institutional procedures, cultural scripts, and communal epistemologies. A kind's openness to transition is not a function of its social constructedness alone, but of its regulatory architecture.

Gender, for example, has increasingly come to be regulated through norms that authorize agent-led reclassification. These norms have shifted in response to persistent experiential dissonance, clinical engagement, legal reform, and a broader social rethinking of embodiment and intelligibility. While contested and still evolving, they include structured pathways through which claims of misfit can be recognized as legitimate.

By contrast, race continues to be regulated through descent, historical continuity, and group membership. Though these norms are also socially constructed, they have not evolved to permit revision through individual self-identification alone. Racial kinds remain governed by criteria that foreclose agent-led transition, regardless of subjective experience. This is not

because race is "more real" than gender, but because it is structured around different social functions.

This asymmetry is best summarized schematically:

Feature	Gender (Regulatory Kind)	Race (Regulatory Kind)
Primary Recognition Norms	Subjective fit, persistent identification, embodied dissonance	Genealogical descent, historical embeddedness, collective memory
Institutional Pathways	Legal, medical, and social institutions support transition	Institutions generally resist or prohibit agent-led reclassification
Normative Flexibility	Transition authorized within regulatory schema	Transition foreclosed by regulatory schema
Type of Error in Analogy	Misapplies gender's transition logic across kinds	Ignores kind-specific constraints on recognition

The gender-critical analogy fails, not because race and gender are ontologically incommensurable, but because they are regulated differently. It assumes that recognition norms can be transposed across kinds. But each kind is governed by its own justificatory standards. What counts as a legitimate transition in one cannot be assumed to count as such in another.

7   The Ethical and Epistemic Stakes of False Symmetry

The failure of the analogy is not merely conceptual—it is ethically and politically damaging. Analogies are not innocent: they shape public discourse, frame institutional policies, and mediate whose identities are treated as intelligible. When the gender–race analogy is deployed—often polemically—it not only distorts transgender experience, but trivializes the regulatory significance of race.

First, it casts trans identity as a matter of subjective whim. By suggesting that one can "identify into" any kind at will, it erases the normative weight of gendered misfit, the institutional procedures that govern transition, and the political work that has secured recognitional legitimacy for trans people. It equates testimony rooted in dissonance and lived incoherence with opportunistic self-declaration. This delegitimizes the claim to recognition by obscuring the standards under which that claim is intelligible.

Second, the analogy disrespects racial identity by detaching it from its historical and collective grounding. It treats race as a fungible attribute, a matter of cultural affiliation or aesthetic style, rather than a position formed through histories of exclusion, solidarity, and constraint. Racial kinds are not optional labels; they are structures that mediate inherited vulnerability and collective resistance. To analogize race transition to gender transition is to misrecognize the specificity of the kind and the forms of violence it encodes.

Epistemically, the analogy enacts a kind of ignorance. It treats constructed kinds as formally equivalent, thereby flattening the distinctions between their regulative structures.

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In Mills' (1998) terms, it reflects a "white ignorance"—a structured failure to track social complexity, often motivated by ideological interests. In Haslanger's (2012) terms, it constitutes ideological distortion, obscuring the social mechanisms by which recognition becomes possible or foreclosed.

7.1   Social Ontology and the Politics of Recognition

The rejection of the analogy has implications beyond this particular discourse. It bears on how we should think about social ontology, about the recognition of marginalized identities, and about the moral obligations that flow from classification practices. Regulatory kinds are not merely theoretical instruments; they structure the possibilities of social intelligibility, access, and legitimacy. To understand their logic is to understand how norms generate visibility, how claims come to count, and how institutional recognition is earned or denied.

This perspective challenges two dominant approaches. Against essentialist views, it holds that social kinds are historically and normatively contingent. But against voluntarist views, it insists that identity claims gain traction only within kinds whose structure makes them recognizable. Lived experience matters—but only when kinds are responsive to it. Recognition is not a matter of assertion alone. It is always mediated: by law, by medical systems, by community gatekeeping, and by collective memory.

Thus, the framework of regulatory kinds is not a metaphysical theory of identity. It is a diagnostic model that clarifies the justificatory infrastructure of social recognition. It helps us to see why claims to transition succeed in some domains but not others, and why calls for universal symmetry risk erasing precisely those distinctions that normatively matter. Its value lies not in settling ontological debates, but in resisting false symmetries that obscure real and enduring asymmetries of power.

8   Anticipating and Addressing Objections

Several objections might be raised against the framework defended here—either challenging its core conceptual architecture or questioning its normative asymmetry. This section considers four substantive lines of objection and addresses them in turn.

1. The Normative Conservatism Objection.   One might argue that the paper's explanation of the asymmetry between gender and race transitions relies too heavily on existing social norms, thereby inheriting their potentially unjust or conservative biases. On this view, the claim that gender permits transition and race does not might simply track the current state of public opinion or institutional conservatism.

This concern misreads the regulatory kinds framework. The claim is not that existing norms are justified *because* they exist, but that they are explanatory of why some transitions are currently intelligible and others are not. Regulatory kinds describe kinds whose norm-guided structures make certain forms of self-ascription actionable. This is an explanatory— not justificatory—claim. However, because the framework is evaluative as well as descriptive, it does not preclude critique: some regulatory structures may be unjust, and their rigidity may itself be normatively problematic. But in the case at hand, the asymmetry is not merely

the result of prejudice, but reflects structurally different ways that gender and race function as kinds.

2. The Tuvel Challenge: Parity of Reasoning. A more philosophically pointed objection emerges from Tuvel's (2017) defense of transracialism. Tuvel argues that if self-identification is sufficient for legitimate gender transition, then the same standard should apply to race, unless a principled asymmetry is shown. This paper meets that challenge by rejecting the voluntarist premise. Neither gender nor race transitions are justified merely by subjective identification. Rather, gender transitions are intelligible within the normative structures of the kind itself, which now include embodied self-ascription and first-person authority as membership conditions. Racial kinds do not include such norms. The asymmetry is not ad hoc, but a function of kind-specific regulatory architectures.

Moreover, Tuvel's model presumes that race and gender are constructed in structurally parallel ways. The present account contests that assumption. Race, as Mills (1998) and Spencer (2014, 2019) show, is not just socially constructed but historically sedimented via genealogical, geopolitical, and diasporic histories. The absence of uptake mechanisms for transracial self-ascription is not a failure of justice but a reflection of how race functions as a kind.

3. The Circularity Concern. A more technical objection is that the framework risks circularity: it seems to appeal to current norms to explain why transitions are legitimate, and then treats those transitions as evidence that the norms are sound. The concern is that this framework collapses into institutional conservatism.

This objection conflates two questions: (1) What makes a transition *intelligible* within a given kind? and (2) What makes that intelligibility *normatively defensible*? The regulatory kinds account addresses (1) by identifying the cross-domain norms that govern membership; it addresses (2) by showing that kinds evolve, and that some shifts in norm-structure—such as the recognition of transgender identities—track justified normative developments, including epistemic justice, agency recognition, and harm reduction. The framework is evaluative without being circular: it explains current uptake while retaining tools for normative critique.

4. The Internalism Worry: Subjective Fit as Arbitrary. Some may worry that invoking subjective fit invites arbitrariness or unwarranted deference to internal states. Why should subjective fit count toward legitimate recognition in gender, but not in other socially constructed categories?

Cosker-Rowland's account avoids this problem. Subjective fit is not a bare psychological feeling or internalist claim; it is a socially embedded, norm-sensitive phenomenological orientation. It only generates recognition when it aligns with social practices that have come to value first-person experience, embodied intelligibility, and relational uptake. In gender, these conditions are now in place. In racial categorization, such norms are absent, or function differently. Thus, subjective fit explains when and why transitions become intelligible—not because they are felt, but because the kinds in question have evolved to accommodate them.

Conclusion

This paper has advanced a dual-theoretic analysis of the analogy often drawn between gender transition and so-called race transition, arguing that the comparison fails not merely at the level of public sentiment but at the level of conceptual architecture. By combining the framework of regulatory kinds with an account of subjective fit, the paper has shown that while both gender and race are socially constructed, they are constructed through different patterns of normativity—patterns which yield divergent conditions for legitimate transition.

Regulatory kinds, as developed in this account, are defined by the relatively stable clusters of legal, interpersonal, epistemic, and institutional norms that regulate recognition and membership. Gender, as a kind, has undergone significant normative revision: medical protocols, legal standards, and epistemic practices have shifted to accommodate the legitimacy of agent-led transition grounded in subjective identification. These shifts are not mere concessions to preference; they reflect a historically situated reevaluation of what constitutes legitimate claims to identity. By contrast, racial kinds remain governed by norms of genealogical descent, cultural formation, and collective identification—norms which do not permit agent-led transition without undermining the very grounds upon which racial solidarity and resistance are built.

The inclusion of Cosker-Rowland's account of subjective fit allows for further refinement. It explains how certain identity claims—particularly in gender—achieve social uptake not by mere fiat, but through the felt and embodied experience of dissonance and congruence, navigated within publicly available interpretive frames. Subjective fit, on this view, is not a private feeling but a socially mediated phenomenon. When combined with regulatory kinds, it allows us to see why some social categories incorporate first-person experience into their recognition criteria, while others do not. This conjunction of frameworks offers a principled explanation of the asymmetry the race/gender analogy fails to acknowledge.

The implications of this analysis extend beyond the immediate argumentative context. Conceptually, it clarifies why not all socially constructed categories are alike, and why appeals to formal parity can mislead. Politically, it affirms the legitimacy of transgender identity without invoking essentialism or voluntarism, and without collapsing into false equivalences. Ethically, it respects the specificity of racial categories by acknowledging their historical and cultural embeddedness, resisting reductive comparisons that risk trivializing both gendered and racial experiences.

Some gender-critical arguments depend on the intuitive discomfort many people feel when confronted with the idea of transracial identity. But the claim that race transition is implausible does not, on its own, undermine the legitimacy of gender transition. What matters is not whether both categories are constructed, but how they are constructed, and which kinds of norms they encode. The regulatory kinds framework enables us to make this distinction with philosophical clarity and normative precision.

Finally, this analysis opens space for further inquiry. It does not claim that regulatory norms are static or infallible. Some may evolve. Others may be contested. But the burden of proof lies in showing how such norms could change, and what would justify that change. By rejecting simplistic analogies, we avoid both conservative essentialism and liberal voluntarism, and instead treat identity as the complex, normatively regulated phenomenon that it is.

In this respect, defending the legitimacy of transgender recognition is not only compatible with rejecting transracial claims—it depends on understanding why only certain kinds license transition, and why that difference matters.

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