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# Political and Metaphysical: Reflections on Identity, Education, and Justice

Lauren Bialystok

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### Article abstract

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# *Political and Metaphysical: Reflections on Identity, Education, and Justice*

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LAUREN BIALYSTOK

Ontario Institute for Studies in Education, University of Toronto

*John Rawls (1985) famously argued that social justice ought not to concern itself with the metaphysical disputes that separate us as groups and individuals. Identity is supposed to be irrelevant to the deliberations of free and equal citizens. Since the recent turn toward right-wing populism, renewed attention has been devoted to the place of identity in contemporary Western societies. In this paper, building on key philosophical accounts of identity, I argue against both political liberalism's confidence in identity-blind justice and some contemporary conceits of social justice education, according to which identity is the beginning and end of normative judgments. In the first section I show how identity appeals to a notional horizon of authenticity against which specific claims are adjudicated, and which takes on normative significance in its own right. I then consider two examples of recent controversies in Canada over the meaning of Indigenous identity and gender identity, respectively, which reveal latent tensions in the pursuit of social justice. In the final section I sketch the implications of these tensions for school-based education and the role of education in advancing identity talk more generally.*

In his seminal article “Justice as Fairness: Political Not Metaphysical,” John Rawls (1985) argues that his conception of social justice is accessible through political ideas alone. He writes: “The aim of justice as fairness as a political conception is practical, and not metaphysical or epistemological. That is, it presents itself not as a conception of justice that is true, but one that can serve as a basis of informed and willing political agreement between citizens viewed as free and equal persons” (Rawls, 1985, p. 230). If successful, this conception of justice will satisfy the liberal commitment of bracketing controversial doctrines from public decision-making. Rawls advocates this approach, not because he is himself indifferent about “truth,” but rather because of the ample evidence that holding politics hostage to endless metaphysical debates is a recipe for unfairness, paralysis, or conflict. Part of the challenge of peaceful pluralism is knowing what to argue about, and when.

At the time that he wrote this, Rawls had already been criticized for the conceit that a theory of justice could be metaphysically neutral. While purporting to derive principles of justice from behind a “veil of ignorance” (Rawls, 1971), Rawls was operating with a particular view of the kind of self who is able to divorce political judgments from other commitments and experiences (Sandel, 1982). Although this device may bear fruit within the limits of ideal theory, the relevance of identity becomes more undeniable as liberalism grapples with increasingly non-ideal circumstances of justice. In order to start thinking about who deserves restitution for past injustice, who is being discriminated against on the basis of social identity, which religions or ethnicities are owed educational protection, how we ought to cultivate children's identities, who ought to be allowed to teach, and countless other ethical questions, we

need to establish more specifics about the identity of free and equal citizens. When we talk about identity, we are already in the realm of debating truth claims, and ones with profound moral consequences.

Western philosophers of identity have historically focused on the conditions of numerical identity for a given individual and on the metaphysics of selfhood (e.g., Rorty, 1976; Parfit, 1984). Critical theorists, and a growing number of analytic philosophers, focus more on the conditions of group membership and the construction of social identities (e.g., Haslanger, 2000). These pursuits are not accidentally connected. Depending on what we think it means to have a certain identity and which aspects of identity are ethically salient, we may arrive at different judgments about what holds together groups of individuals, be it genetics, cultural history, personal relationships, or any number of other criteria. Our views about the nature of both individual selfhood and social recognition condition our interpretations of identity-based ethical claims.

While these issues have been explored and re-explored across disciplines and in the public discourse for many years, the pitch and stakes of identity talk are arguably more intense than ever. In the face of unprecedented political polarization, with democracy itself seemingly hanging in the balance, identity is at once more conspicuous and more radioactive in the public sphere. Where Rawls envisioned impersonal deliberations among free and equal citizens, we see unequally situated actors pleading their identities in gridlocked and often bitter stand-offs. While the political left is most associated with “identity politics,” groups across the political spectrum have leveraged the rhetoric of identity to rouse solidarity and antagonism. Since the turn toward right-wing populism in the 2012-2016 period, scholars and public intellectuals have devoted renewed attention to the place of identity in contemporary Western societies, often expressing worry that the ongoing politicization of identity spells the end of liberalism itself.<sup>1</sup>

In order to better understand and assess the functions of identity in education, we need to look at them through these broader philosophical and historical lenses. In this paper, building on key philosophical accounts of identity, I want to argue against both political liberalism’s confidence in identity-blind justice and some contemporary conceits of social justice education, according to which identity is the beginning and end of normative judgments. In the first section I show how identity appeals to a notional horizon of authenticity against which specific claims are adjudicated, and which takes on normative significance in its own right. The confidence in authenticity nonetheless masks inescapable philosophical puzzles, which neither essentialist nor anti-essentialist approaches can fully dissolve. As such, the metaphysical never fully retreats from the public or political realm. Moreover, judgments about identity and their ethical implications can produce uncomfortable contradictions. In the second section I illustrate these claims using two examples of recent controversies in Canada over the meaning of Indigenous identity and gender identity, respectively. In the final section I sketch out the implications of identity talk for school-based education and the role of education in advancing social justice.

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<sup>1</sup> This list includes Lilla (2017), Mason (2018), Gopnik (2019), Fukuyama (2018), Frank (2016) and Lepore (2019). Philosopher Kwame Anthony Appiah has also built on his career-long engagement with identity in the recent book *The Lies That Bind* (2018). Philosopher of education David Blacker critiques identity politics in education in *What’s Left of the World* (2019). Laurance Splitter, another philosopher of education, gives an in-depth analysis of identity and its role in education in his *Identity and Personhood* (2015).

## The Metaphysics and Politics of Identity

In modern Western philosophy, there have been two broad routes to an account of identity: the essentialist route, according to which identity is discovered (“gay by nature”), and the constructivist route, according to which identity is constituted by how I negotiate and express it over time (“gender-fluid”) (Bialystok, 2014a; Guignon, 2004).<sup>2</sup> In both accounts we can locate an interpretation of how a subjectively felt personal identity interacts with cultural influences. Both accounts can be easily leveraged to justify a liberal-style arrangement, whereby my ability to live the good life as I see fit should be curtailed only if and when it infringes on your right to do the same. Both are, upon philosophical examination, metaphysically tenuous, and tend to collapse into each other.

The paradoxes of identity can be seen in any trivial candidate for what makes someone who they are. Let’s suppose that I am a devoted follower of a certain religion. There are puzzling, arguably unanswerable questions about what this fact may or may not reveal about my identity, irrespective of all other facts about myself or the religion. For example, I may ask whether the religious commitment is constitutive of my identity in such a way that without it I would cease to be the same ethical person. For many religious people, identifying themselves without reference to their religious convictions is unthinkable; to lose or change religion would launch them into a genuine identity crisis. Yet some people sincerely move between beliefs, convert to a new religion, or abandon religion altogether. What can be said about their identity? It will not do to dismiss their religious fluidity as evidence for its non-importance; clearly, the presence or absence of certain beliefs matters very much to them. We may then say that one of their religious iterations (presumably a later one) is *more* true to their identity than the others. But this is a question-begging explanation. In virtue of what does one incarnation of myself, or one aspect of my identity, better represent *me* than another?

Individual examples of identity change can be accounted for in various ways, yet the overall problem of explaining identity persists. For example, with respect to the previous example, one might claim that both iterations of religious affiliation reflected some aspects of myself, but I needed to change from one set of religious convictions to another because I realized that the first set did not align with my political values. In making the change, I remained the same ethical person. But then we have the worry of a slippery slope. If I could change *some* things about myself without losing my identity, where would it end? Could I change my religion, *and* my career, *and* my life partner, and remain the same person? What if, through other types of intervention, I could also change my race, sex, or other aspects of my morphology? Would that still be me? The notion of authenticity surfaces in response to exactly such quandaries. What is the substrate of “me”-ness that survives, or rather confirms the authenticity of, identity change? Questions of identity inevitably find their way back to essentialist metaphysics that are, at the least, resistant to theorization, and have also been rejected as culturally limiting and constitutive of oppressive ideologies.<sup>3</sup>

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<sup>2</sup> There is also, importantly, the post-structuralist route of denying identity altogether, instead referring to socially contextual agentic states, or “subjectivity.” Unpacking this philosophical framework is beyond the scope of the present paper, but it suffices to say that even those who remain theoretically skeptical about the coherence of individual identity necessarily assume, or have ascribed to them, social identities that correspond to the types of puzzles I focus on here.

<sup>3</sup> For a discussion of essentialism and its detractors, see Fuss (1989).

The non-essentialist route to identity—characteristic of existentialist philosophy and some post-structuralism—purports to circumvent some of these challenges. Rather than yielding to the implausible premise that there is some essential “me” hiding among a gaggle of impostors, some theorists posit that identity is authenticated by its very construction. Hence, perhaps, I know that something is “me” in virtue of the fact that I chose it; or authenticity is about having a particular orientation to life, rather than a static character.

These accounts, too, result in paradoxes or defer the central question. For the existentialists, especially Heidegger and Sartre, what makes someone authentic is not fidelity to an individualized essence, but rather fidelity to the ontological condition itself: being-toward-death, for Heidegger, and radical freedom, for Sartre (Heidegger, 1927/1996; Sartre 1943/1957; Bialystok, 2014a). The agent comes before the identity, and authenticity correlates to the characteristics of agency itself. This amounts to a broadly essentialist account in disguise which, ultimately, can say nothing about what it means to be this or that individual person, or how we ought to adjudicate identity claims when they clash. More aesthetic accounts of selfhood—such as those found among ancient Greeks, Nietzsche, and Foucault—present the same central difficulty: they supplant the question of what makes us who we are with a generic philosophical criterion of value, leaving unanswered the question of why each individual personifies themselves in the particular way that they do, and what subject lies behind these choices.

On any account of identity, therefore, there is an attempt to pin down something that is inherently unpinable. We know that we have identities; we know that we are different from each other and similar to ourselves, that we have perduring characteristics that permit what Ricoeur (1992) called “the re-identification of the same” (p. 119). We also know that groups share identities, even in spite of the countless things they do not share, and that this sharing matters somehow. But we can no more clarify what identity—any identity—is than we can give up our unshakeable sense of its importance.

Authenticity is the horizon that gives rise to identity talk. If there are a range of possible *mes* that can express aspects of my identity to various degrees, authenticity is the gold standard for *me*-ness. We might say it is the verification criterion of identity. We can think of identity claims being situated on an asymptote veering toward authenticity. The ideal of authenticity connotes a perfect correspondence between some aspects of myself and some truth about identity, or the world. Without a notional horizon of correspondence, identity claims falter. The truth of my self-identifications as member of a given religion, for example, must be measured by some degree of convergence between who I am and what the religion means. We balk at identity claims that have no conceivable resemblance to the paradigm they invoke. Moliere’s titular character Tartuffe maddens and entertains the audience by convincing his hapless benefactor that he is an extremely pious man when he is clearly the exact opposite. Hence the title of the play: *Tartuffe, ou L’Imposteur*. Impostors, fakes, and people who are self-deluded about who they are receive condemnation because they violate the norms of authenticity that we are all supposed to approximate (Trilling, 1972; Williams, 2002). Without some reasonably reliable benchmarks of identity, we lose our capacity for social and ethical judgment.

The value of authenticity is to this extent by no means culturally limited. Social organization and personal relationships depend eventually on the verifiability of identity claims, in any society or culture. But it can fairly be said that the modern West has, for better or worse, elevated authenticity to the pantheon of character traits (Berman, 1970; Taylor, 1991; Varga, 2011). This is a natural consequence of taking the separateness of individuals and their potential for flourishing seriously. Being true to *oneself*—fulfilling one’s own potential as a unique person—preoccupies us at least as much as being true to *others* (a

virtue that is better described as ‘sincerity,’ as Trilling (1972) explains) (Taylor, 1989). Whatever identity may be, inhabiting our identities fully and unapologetically seems to be the apotheosis of Western ethics. The virtue of authenticity is in fact distressingly disconnected from the virtue of other aspects of one’s identity. The trope of the anti-hero in film and literature, for example, depends on our developing respect for the villainous or morally deficient character by understanding who he is, and prizing this seemingly complete account of his identity over his moral growth.

The supposed virtue of authenticity—being yourself—can thereby have the perverse effect of trumping other virtues that may be more important (Bialystok, 2011). In addition, even if authenticity *is* a virtue, it is not one that we can effectively promote. As Simon Feldman (2015) has brilliantly argued, telling oneself or another to “be yourself” produces hopeless paradoxes. There is no reliable way of disentangling the “true” self from the selves that could be. Trying to assess someone’s authenticity is a fool’s errand. Nor does the problem dissipate for intersubjectively constituted identities, such as ethnicity. The elusive standard of authenticity merely shifts to a group, or the public sphere, where it again shades into contestable varieties of grey.

In light of such distortions, it seems prudent, if not positively just, to divorce questions of ethical and political significance as far as possible from any conception of identity or metaphysical account of the self. Respect for persons assumes that persons have identities, but it matters not what they are, at least at the level of basic political principles. Indeed, Rawls’ (1985) requirements of political personhood explicitly eschew the vicissitudes of moral and religious commitments or community affiliations, which comprise one’s “non-public” identity (p. 242). As he says, “On the road to Damascus Saul of Tarsus becomes Paul the Apostle. There is no change in [his] public or political identity...” (Rawls, 1985, p. 242).

The resulting thin conception of political identity affords us schematic solutions to a host of ethical and political problems. The liberal state, as theorized by Western philosophers, strives to maximize equality and freedom by establishing what is owed to each person as a matter of basic social justice (Rawls, 1971). When something is owed absolutely, we call it a right. The rights are, supposedly, impervious to identity markers that can be used for unfair advantage or as grounds of discrimination: sex, race, religious belief, and sundry others. The noble aspiration of equality before the law is perhaps the quintessential statement of why identity does not matter—in fact, *must* not matter—to justice. When we treat each other as equal citizens, and not as people with particular commitments and identities, the injustice of domination, arbitrary inequality, and coercion are manifestly obvious.

But can we, merely by fiat, treat each other in such equal and de-personalized terms? Can we determine what is owed to whom without knowing who we are? What may seem possible or required in ideal theory can prove intangible under non-ideal circumstances. The politics of recognition are liberalism’s way of adapting to the reality that identity matters profoundly at the psychological level as well as that of institutions and policy (Taylor, 1994; Honneth, 1995). The specificity of an identity and the effects of persecution need to be loudly trumpeted in order for the identity to ultimately fade away as relevant grounds of exclusion. We cannot be “free and equal citizens” until we have resolved the cases of unfreedom and inequality that universalism threatens to obscure.

A lack of recognition, moreover, usually correlates with an absence of opportunity, as Nancy Fraser has most influentially argued; marginalized groups experience “both maldistribution and misrecognition in forms where neither of these injustices is an indirect effect of the other, but where both are primary” (Fraser & Honneth, 2003, p.19). We therefore use identities as a short-hand for a making decisions about the re-distribution of rewards and opportunities. The problem is that any claim about identity mattering

for the purposes of distributive justice re-opens the metaphysical questions about what it means to have it. If there were a bursary that only biracial students could apply for, someone would eventually have to take on the daunting and thankless task of defining “biracial” in a non-trivial way, or deciding between candidates whose bi-racial identities have very different political inflections. The bursary is intended to recognize a particular marginalized group, but the group has its own margins.

It follows from the need for recognition and redistribution that some of the work of distinguishing between identity claims falls to the state. Here, again, authenticity is a necessary but flawed metric. As Anne Phillips (2015) explains, “once societies start recognizing the legitimacy of (at least some) cultural claims, they will look to something like authenticity to determine which ones to accept” (p. 91). Multicultural education and inclusion in schools depend on this kind of hair-splitting. In order to decide, for example, whether the ceremonial *kirpan* is an exception to the no-weapons-in-school rule for a young Sikh student, a determination needs to be made about the authenticity of this particular religious practice and its significance relative to other potential exceptions to the rule. The student’s claim may be viewed as dependent on the extent to which he is “really” Sikh, and the centrality of the *kirpan* to “authentic” Sikhism.

But as we have seen, the authenticity of a religious identity, or any other identity, is necessarily opaque and debatable. The opacity is often greatest in cases that are most politically urgent. A trans person, for example, has a corporeal identity that is incongruent with the cues that we normally use to recognize sex or gender. Ethics demands that we take her identity claim at face value and respond with appropriate pronouns, facilities, and institutional policies. Her identity is what she says it is. The mainstream norm of treating gender non-conforming people as who they say they are is extremely new. Trans women, a demographic that has been frequently regarded as female impostors, are now increasingly upheld as paragons of authenticity.<sup>4</sup> Yet other identity claims that challenge conventional distinctions are regularly rejected or spurned.<sup>5</sup> We have yet to agree on principled distinctions between those who can declare what their identity is and those who cannot.<sup>6</sup>

In this climate it is natural to see an intensification of identity politics: cleaving to ways of identifying that seem relevant to securing scarce political goods. Even if the goods should not be scarce, faith in the promise of Rawls’ political vision of justice is ominously dwindling. People for whom identity has been correlated to oppression are impatient with the myths of equality and the insulated ignorance of some white liberals. Sub-groups and sub-sub-groups of identity movements whose members have achieved mainstream successes—gender outliers, women of colour, people with disabilities—have brought attention to the uniqueness of their intersectional experiences and the equal validity of their claims. The expectations for recognition are correspondingly more nuanced. It is not only the white nationalist and homophobic fundamentalist who are called to task for erasing the humanity of others. Now, inadvertent erasures, smaller instances of misrecognition, and “microaggressions” form the contours of political

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<sup>4</sup> As an example, consider trans icon Caitlyn Jenner, who received an enthusiastic reception when she came out in 2015. I do not mean to discount the discrimination and violence that continue to affect the majority of trans people, especially those who lack Jenner’s other privileges. The norms of trans-positivity have advanced incredibly rapidly but day-to-day reality lags significantly behind.

<sup>5</sup> For example, in the same summer that Jenner came out, the leader of the Spokane, Washington chapter of the NAACP was ridiculed for being a racial impostor, a Caucasian person pretending to be “trans-racial” (McGreal, 2015).

<sup>6</sup> These inconsistent standards further suggest that we haven’t arrived at any agreement about which aspects of identity are malleable and which are determined.

skirmishes in left-leaning communities. The complainants are often denounced by critics as “social justice warriors” or “snowflakes.”

In the absence of respectful dialogue about who people are and what we owe each other, identity too often enters the discourse as an inert, end-of-discussion stand-in for more complex argument. As the public and political realms become increasingly polarized, appeals to identity as ethical trump cards become louder and flatter, usually to the detriment of equity-seeking groups. The call of “Black Lives Matter” is met with “Blue Lives Matter”.<sup>7</sup> Frustration with feminist advances results in “Men’s Rights Groups,” who position themselves with group identity language reminiscent of earlier women’s rights activists. As political scientist Mark Lilla (2017) succinctly observes, “As soon as you cast an issue exclusively in terms of identity you invite your adversary to do the same” (p. 129).

Such forms of backlash highlight the precariousness of superficially liberal recognition schemes and the identity politics into which they have devolved. When all that can be said about identity is that an asserted identity—or perceived experience of marginalization—corresponds to recognition rights, and perhaps compensation, we see the danger of using identity as a stand-in for ethical analysis. Whoever asserts the loudest wins, and politics is at the mercy of the powerful and the mobilizing of the disaffected. This is a highly dangerous situation for democracy.

The response can neither be doubling down on the “political not metaphysical” mantra, nor requiring consensus on the inevitable sources of disagreement in a diverse society. Although political liberalism instructs us to bracket the personal and treat each other as mere citizens, the demands of justice require reckoning with more than anonymous political agents. If discrimination and oppression are based on identity, the remedies must be as well. Identity shows up uninvited, with all its metaphysical baggage. We must avoid trying to redress injustice by re-essentializing identity in ways that lend themselves to further harms.

These challenges are particularly intertwined with formal education, as I will suggest in the final section. They also manifest in contextually significant ways, according to the norms of a given community, political group, or nation. In the next section I consider two recent occasions when challenges to the meaning of ‘authentic’ identity roiled Canada and re-jigged the benchmarks for progressive politics. The purpose of recounting the stories here is to illustrate how a reliance on authenticity pulls in different normative directions, with serious material implications for vulnerable people and public policy. Ad hoc judgments of authenticity are liable to conceal unquestioned premises and sometimes uncomfortable contradictions.

## Who’s Who? Two Hard Cases

### Indigenous Authenticity and Indigenous Authority

Joseph Boyden is a Canadian literary star who has spent his career writing about and advocating for Indigenous<sup>8</sup> peoples and issues. Widely hailed as a powerful voice who brought Indigenous stories to the

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<sup>7</sup> The recent breakthroughs of Black Lives Matter in the spring of 2020 may have finally succeeded in turning public opinion against this asinine deflection.

<sup>8</sup> The convention of capitalizing “Indigenous” is an example of incorporating recognition for marginalized identities into mainstream linguistic practice.



awareness of white Canadians in the years leading up to and following the national Truth and Reconciliation Commission, Boyden was presumed to be writing from mixed European and Indigenous heritage. Yet Boyden's own Indigenous status was always conveniently shrouded in some combination of family amnesia and colonial confusion. Finally, in 2016, murmurings long circulating in Indigenous and literary circles were made public by the Aboriginal People's Television Network: an investigation had revealed Boyden to have no confirmed Indigenous heritage (Barrera, 2016; Kay, 2016). In response, he penned an apologia in the national magazine, *Maclean's* (Boyden, 2017).

In Canada, there is perhaps no contemporary identity more loaded than Indigenous identity. The Boyden affair shows how Indigeneity can be variously interpreted through many accounts of identity, none of them fully satisfying, and all of them potentially racist. We know in principle what "Indigenous" means, but after four hundred years of colonialism and dispossession, what it means for a given individual to claim Indigenous identity is more complicated. On an essentialist view, genetic composition could provide the most incontrovertible evidence of the relevant ancestry. Through DNA testing, Boyden and several of his relatives they found they were "mutts," with some quantum of "Native American" blood (Boyden, 2017); but as many were quick to point out, there's more to Indigeneity than DNA (Jago, 2017). Boyden clarified: "a small part of me is Indigenous, but it's a huge part of who I am" (Boyden, 2017).

In the style of contemporary parlance, Boyden seems to deflect the inadequate DNA charge with the more holistic rhetoric of "I identify as..." This construction asks the listener to take on faith some intangible fact about one's identity. Could there be some kernel within Boyden—not genetic, but spiritual, if you will—that explains his identification? Essentialism of this form has long been embraced in Western culture; it builds on the Romantic ideal of discovering oneself through introspection and refusing to take material evidence at face value. Provocatively, one may ask why an internal identification with a genetically dissimilar group of people should be treated differently from a transgender identification with a genetically dissimilar body.<sup>9</sup> Surely, by now, somebody somewhere identifies as trans-Indigenous. Disputing such a claim requires a sophisticated way of distinguishing between legitimate and illegitimate essentialist appeals to identity.

On the existentialist or constructivist reading of identity, there is no need to line up what we identify *as* with some true fact—whether material or intangible—that precedes our discovery of it. Rather, to construct oneself just is to make choices, establish affiliations, and take responsibility for our actions. But identity words invoke social norms and cannot be used to mean anything we like. Is Boyden a Tartuffe? Without a stronger consensus about what makes someone "really" Indigenous, the self-determination model of identity here risks being synonymous with opportunism, just like Boyden's fabled "Uncle Erl," who supposedly embraced the family's Indigenous heritage, but is now described as "the fake Indian living in a teepee and selling crafts to unsuspecting tourists near Algonquin Park" (Andrew-Gee, 2017).

A more charitable version of the anti-essentialist account would stress the possibility of coming into a group identity through mutual recognition. Even if one is not born Indigenous, one could hypothetically be adopted into an Indigenous community, as Boyden claims he has been (Boyden, 2017). Earning the approval of the minority group with which one claims affiliation certainly bolsters a contested identity claim, and all the more so since Indigenous people may have little attachment to the Western philosophical paradigms of identity we have been considering. Unsurprisingly, however, prominent

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<sup>9</sup> Such investigations are so provocative that one article, which compared Caitlyn Jenner's transgender identity (see note 4, *supra*) with Rachel Dolezal's "transracialism" (see note 5, *supra*) (Tuvel, 2017), sparked a major cleavage in academic philosophy (Leiter, 2017).

Indigenous voices are divided on the legitimacy of Boyden's claim and the extent of his wrongdoing. Although it is certainly not the place of outsiders to steer these debates<sup>10</sup>, the fact of insiders' (predictable) pluralism on the subject confirms that authenticity is a slippery proposition, even among those who are presumed to wield authentic authority. Passing the buck on authenticity questions opens up further questions about which meta-claims are most authentic.

Even if there could be a consensus about Boyden's identity, this fact in itself could not resolve the implicit concern about the relevance of authenticity or Indigeneity to the type of work for which Boyden became celebrated.<sup>11</sup> We may imagine a writer whose Indigeneity is undisputed, but who lacks Boyden's talents, writing about Indigenous people in a manner that completely misleads unsuspecting readers, even corroborating their stereotypes with the imprimatur of authorial authenticity.<sup>12</sup> The good that comes from widely read and critically hailed books such as Boyden's cannot be reduced to, or predicated entirely upon, the identity of the author. Is the education lost when an educator is revealed to be different from who we thought he was? The answer is surely not black or white. We tend to take assessments of authenticity as a proxy for deciding who may speak, about what, and for whom, when the relationship between these types of judgments is in fact more complicated (Alcoff, 1991-1992).

## Gender Desistence and Gender Persistence

For most of European and colonial history, gender identity has not been recognized as a site of contention or nuance: it was believed to be binary, coextensive with sex, and knowable from birth. To say we've changed our collective views over the last half century would be an understatement.<sup>13</sup> There is no greater bellwether of anxiety about gender identity than children who present with gender dysphoria, the condition of dissatisfaction with one's body that is a prerequisite to pursuing sex reassignment therapies.

In Toronto, Ontario, the director of the large Gender Identity Clinic for children at the Centre for Addiction and Mental Health (CAMH) was dismissed in 2016 on the basis of a review precipitated by complaints from trans activists. The clinic operated from a "developmental" approach that viewed gender identity in very young children as malleable (Singal, 2016; Zucker, Wood, Singh, & Bradley, 2012). While mid-transition children and those with more persistent gender dysphoria were supported in their transition, Zucker relied heavily on the possibility of "desistence" for many of the patients. The available studies all show that some, if not a majority, of children experiencing gender dysphoria 'desist' with time,

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<sup>10</sup> Robert Jago – one of Boyden's critics – stresses that "Something that appears to be hard for Non-Native people to accept is that they don't get to define our communities for us anymore. This is *our* debate, and it's one taking place, in separate forms, in more than 600 different communities across Canada" (Jago, 2017). This is certainly true, and not incompatible with the point that "defining community" invites some degree of circular reasoning, and always creates penumbral cases.

<sup>11</sup> If Boyden's success diminishes the impact of more authentic indigenous writers, or reduces their access to scarce literary awards, this is perhaps more a comment on the paucity of literary opportunities in Canada (and indigenous literary opportunities in particular) than on the value of any particular author's contributions.

<sup>12</sup> Boyden has also been accused of doing this to some extent (Jago, 2016).

<sup>13</sup> Trans people have always existed, of course; but their ability to live as their gender would have been more treacherous until very recently. Two examples of 19<sup>th</sup> Century North Americans who were assigned female at birth but managed to live most of their lives as men are Joseph Lobdell (1829-1912) and Albert Cashier (1843-1915). I thank Liza Brechbill for prompting me to mention them.

suggesting that trans identity is not always hard and fast.<sup>14</sup> If this is true, it can't be the case that it is necessarily better for these children to pursue potentially irreversible transitions.

The question is, how is 'desistence' defined?<sup>15</sup> Does desistence imply that children who temporarily appeared to be trans were actually cisgender all along, or that trans kids stopped being trans, possibly under the coercive sway of non-affirming therapies?<sup>16</sup> Recall the example of religious conversion: it is impossible to know what will best define a person in the future, making it indeterminate whether staying the same or changing is more authentic. When trans activists discount desistence as a "myth" (Tannehill, 2016) and clinicians insist on its scientific relevance, they may be effectively disagreeing about the nomenclature applied to different parts of a research sample. Whatever we call them, there are children whose trans-ness proves durable, and there are children who settle more happily into a cisgender identity (or an identity outside of the trans/cis binary) with time. The process of distinguishing the two groups is itself never neutral, depending as it does on what one counts as evidence for authentic trans-ness.

The year before the closure of Zucker's clinic, Ontario had passed Bill 77, which banned the practice of conversion therapy on children. Conversion, or "reparative," therapy is a discredited form of "treatment" for sex and gender minorities, often practised by religious groups who aim to "cure" homosexual or cross-gender tendencies because they believe that LGBT identities are unreal or immoral. The paradigm case of conversion therapy aims to extinguish all instances of queer or trans identity, even among those people who have been living happily in them for most of their lives; its practitioners are usually not medical professionals, and do not deny that their aim is conversion.<sup>17</sup> Bill 77 states: "No person shall, in the course of providing health care services, provide any treatment that seeks to change the sexual orientation or gender identity of a person under 18 years of age" (Legislative Assembly of Ontario, 2015). The legislation is an invaluable step for LGBT people who can be subjected to psychological torture under the pretense of "therapy." Like all policies, however, it must hold as fixed some of the terms that are at the core of scientific and philosophical disputes.<sup>18</sup> One can only be accused of "changing" the identity of another if the identity has been verified beforehand. The challenge when dealing with young children—especially those whose dysphoria is moderate—is determining what their gender identity *is*.

The medical model of gender affirmation relies on a straightforward essentialist account of identity, or what Bettcher (2014) calls the "wrong body" model. Here is a child we thought was a girl but is really

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<sup>14</sup> Zucker often cited a desistance rate of 80% (Singal, 2016). While precise numbers are hard to measure and vary between studies, there appears to be scientific consensus that gender dysphoria will in some cases dissipate without transition – and not because the person was coerced into living as cisgender.

<sup>15</sup> The term "desistence" unfortunately communicates a normative preference for children not ending up trans. People "desist" from smoking, from obnoxious behaviors, from generally undesirable things. Even with a more neutral term, however, there would be a need to separate kids who know they are trans (and should be unequivocally affirmed) from kids who are not yet sure of their gender identity (and for whom affirmation may have to be more nimble).

<sup>16</sup> Some trans people make a calculated choice to present as their assigned gender for personal safety or other reasons. This is known as "going stealth." It may be confused with "desistence" in the medical literature.

<sup>17</sup> Major American anti-gay conversion groups include Parents and Friends of Ex-Gays (PFOX), Exodus International, and the National Association for Research and Therapy of Homosexuality (NARTH), whose strategies include "Pray the gay away" (Besen, 2008).

<sup>18</sup> Another Ontario policy that opened this particular can of worms was Bill 89 (2017), which added denying "gender identity and gender expression" to the kinds of abuse from which children should be protected. Conservatives immediately objected that the government could interpret anything as denying a child's gender identity and charged that the bill was itself disrespectful of religious identities.

a boy; he is “trapped in the wrong body.” This framing works for many trans people, whose gender identity remains clear and constant throughout life and for whom medical reassignment brings peace and integrity. If it were true of all children who present at a gender clinic, the ethical response would be straightforward. However, if it were true of all gender dysphoric children, there would be no phenomenon of “desistence.”

The existentialist account of identity leans more toward the “beyond the binary” model of gender (Bettcher, 2014). Why insist that everyone has a “real” gender inside them, or that any particular identification must perdure? Queer politics have been trending in this post-structuralist direction for some time. Zucker, despite being maligned as regressive, in fact aligns best with this model: if he thought gender were pre-determined and unmalleable, he would not have encouraged many children to try to become comfortable identifying with their birth-assigned sex (Zucker et al., 2012). Other experts retort that “wait and see” approaches threaten to close a narrow window for intervention that will turn out to have been crucial for those children who do end up seeking medical transition.<sup>19</sup> Essentialism wins out in some debates about trans kids for pragmatic if not metaphysical reasons, apparently pitting queer politics against itself.

It is understandable why those who are best acquainted with trans children would like to leave as little room as possible for error: when legions of “experts” and “caregivers” have for decades perpetrated transphobic harms on paternalistic grounds, it is rational to be wary. Yet any purely political strategy, such as the expectation of instantaneous affirmation, will eventually expose a deeper, fundamentally unresolvable debate. The notion of trans-ness—and consequently which responses are coded as “conversion” and which as “affirmation”—teeters on the unknowable metaphysics of identity itself. Whether Zucker was trying to “change” children’s gender (contrary to Ontario law), or trying to encourage the least perilous of several possible paths, depends on what we take “identity” to be in this instance.

## Questioning the Evidence of Identity

Put together, these two cases help to expose the lasting effects of our quick determinations about identity, as well as the risk of well-meaning principles producing incompatible results. Boyden’s identity and the methods of the CAMH clinic came under scrutiny at approximately the same time. In spite of the obvious differences between them, they pose similar questions about how to treat people on the basis of their proclaimed identities. Yet the progressive intuitions about how to respond to them appear to be incongruent. On the one hand, social justice advocates and allies of Indigenous people trend in the direction of viewing Joseph Boyden as an opportunistic fraud, or at least a confused wannabe; his Indigenous identity should be disconfirmed, and he should be dethroned as an unofficial spokesperson to make space for more “authentic” Indigenous voices. On the other hand, the kids at CAMH are described by social justice advocates as authentic gender minorities at risk of being obliterated; their identities should be unquestioningly confirmed. But are the cases all that different? How can we be so certain that justice demands fiercely defending a person’s authenticity in one case, and shunning it in

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<sup>19</sup> The time that passes without medical transition, or puberty-blocking hormones, allows further physiological development in the birth-assigned sex that can be difficult to reverse.

another, when both the identities in question transcend the mere biological markers or reported testimony we can access?<sup>20</sup>

Rather than seek to answer any of these substantive questions here, I will only underscore the point that sometimes our determinations appear, on further scrutiny, to be arbitrary. This should give us pause before we over-invest in the putative evidence of identity as a resolution to deep ethical challenges. It is not only that political affiliations tend to condition our divergent responses to the meaning of identity, with traditional thinkers being more committed to natural binaries or essences, and secular progressives being more enamored of self-declaration and fluidity. Even shared political commitments can yield conflicting intuitions about when and how identity matters. If, for example, we extrapolated the metaphysics behind the affirmation of children with gender dysphoria to all other cases of physical-psychological incongruence, we might find ourselves obligated to affirm all kinds of identities that most of us currently reject, or regard as unintelligible.<sup>21</sup> As a culture, we tend to pick and choose ideas about authenticity and accounts of identity as they suit our purposes.

### **The Ethics of Identity in Education**

Education is one of the most salient contexts in which identity becomes relevant to us. Through education, adults and children, teachers and students, come together for the purpose of transmitting the ideals of a society and nurturing the development of its members. Children are, by definition, in the process of forming their identities and developing their ethical reasoning. Consequently, we care greatly about the identity of everyone involved in education, and about how students' identities (and ideas about identity) are thereby shaped. Even those adults who are not themselves parents or teachers have a stake in the values conveyed to young people. The manner in which we learn, research, and teach about identity directly impacts our politics and democratic culture, and vice versa.

Our piecemeal approach to identity can be witnessed in all manner of debates about curriculum and policy. The two cases above illustrate complexities that are likely already familiar to the modern Canadian educator. The "Indigenizing" of education is a prime example of intricate and politically charged identity debates being downloaded onto the educational sphere. Under the mandate of reconciliation, a mostly white teaching force is tasked with spontaneously covering violent histories and diverse civilizations about which they probably know next to nothing, and to do so in culturally and age-appropriate ways. Whose Indigeneity ought to guide such cultural transformation? Which resources, premises, and methods of teaching are appropriate to such a task? If the identity of the educator is indivisible from their authority to teach about marginalized identity, as the Boyden controversy suggests, then are non-Indigenous educators being set up for failure? It is fair to be concerned that an attempt at Indigenizing education could be ineffective or even harmful until we resolve some of these delicate debates about identity and representation?

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<sup>20</sup> Philosophers have tackled such questions – see, for example, Zack (1997), Heyes (2006), and Overall (2009). My point is not that arguments cannot be supplied to differentiate the cases, but, rather, that we tend to rely on uncritical intuitions about authenticity, which seem plausible when considered in isolation.

<sup>21</sup> As a powerful example, see the dismissal of transabled people, including by transgender people, described by Baril (2015).

Gender identity is no less of a minefield. Schools have always been a prominent site of gender-based harms as well as opportunities for exploration and resistance. Today, there may be unprecedented recognition of phenomena such as gender diversity and gender-based discrimination, but it is far from self-evident what justice calls for in every instance. Teachers are required, and largely motivated, to rectify the sexist and heteronormative practices of their schools, but typically lack any study of gender identity, or even familiarity with contemporary terminology, which, in any case, changes rapidly and varies between contexts. And this is to say nothing of the debates that explode when the institutional needs of some vulnerable gender groups are perceived to encroach on those of others.

There is no fully satisfactory liberal solution here. Ideal theory imagines the contingencies of identity receding into normative insignificance. Reality reveals this to be impossible if not also undesirable. Indeed, Rawls has been criticized for having such misplaced faith in ideal theory, with its gender-blind and colour-blind premises, that he neglected to tackle any of the undeniable injustices in the real world, such as racism in America (Mills, 2009). Cleavages between political liberals and contemporary “social justice warriors” can be at least partly explained with reference to this ideal/non-ideal divide. As I hope the preceding discussion has made clear, we need both. We cannot wish away the significance of identity and its historical-cultural valences, changing and elusive though they are. Nor can we harness identity decisively for any particular political or moral purpose.

The only solution to the messiness of identity in education is *more education*. When injustice takes the form of misrecognition or subordination on the basis of identity, justice depends on questioning our assumptions about identity. When new identities are emerging, interacting, and colliding every day, co-existence depends on suspending our conceits about who people are. Education is the only way forward. Forgive me if this sounds trite. By “education” I mean a conscious, iterative process of gathering diverse points of reference and exploring them with patience, rigour, and open-mindedness, which is a sadly small subset of what passes for education in formal institutions and public forums. This type of education is indeed incredibly difficult, especially when the political stakes are so high. We are understandably hemmed in by a desire to censor hateful speech, as well as to avoid the many trip-wires that have been installed over the last few years of escalating political antagonism. It is tempting to revert to cultural taboos and generic shows of tolerance.

In Western schooling, unfortunately, these well-meaning guidelines obscure the complexity of identity in several ways. With our cultural fixation on individuality and authenticity, personal identity can be used to foreclose open-ended explorations of difference, especially where ethics are concerned.<sup>22</sup> In fact, the active encouragement of authenticity as an educational goal communicates the untouchability of self-referential claims and may express indiscriminate validation of whatever beliefs students express with sufficient gusto (recall the authentic anti-hero) (Bialystok and Kukar, 2018). Challenging another’s convictions in such a context can be interpreted as challenging their very identity, which is sacrosanct. This is obviously problematic when, for example, prejudicial attitudes toward sex and gender minorities are defended by appeal to the authenticity of religious or cultural identity (Bialystok, 2014b). Hin (2015) argues that Hong Kong Canadians’ organizing against same-sex marriage was packaged in the refrain, “I’m not homophobic, I’m Chinese.” This appeal to a protected grounds of identity as a source of moral innocence is intended as a conversation-ender and usually functions as one. Teachers are characteristically loath to call into question moral disagreement that seems to hinge on one’s “non-public” (as Rawls

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<sup>22</sup> For philosophical discussions of authenticity as an educational aim, see Bonnett (1978); Haji & Cuypers (2008); Bonnett & Cuypers (2003); and Bialystok (2017).

termed it) identity, even if a non-religious or non-minority student would be challenged for the same homophobic utterance. While understandable, this is a missed educational opportunity to explore the relationship between religious pluralism and public deliberation, or the concepts of recognition and equality as they pertain to both religious and sexual minorities. Such explorations may or may not change minds, but they will at least encourage the kind of discourse that is amenable to growth and complexity.

In contrast to the scenario where prejudicial attitudes are Teflon-coated in authenticity, the norms of recognizing marginalized identities have in some places become so established that any perceived politically incorrect innuendo is quickly shut down as taboo. This happens when, for instance, some participants in a conversation are pre-emptively called out as racist or homophobic, or told they cannot speak, because they have too much privilege. Though pursued under the auspices of social justice, such methods seem more concerned with asserting moral superiority than with educating the “un-woke.” As all experienced educators know, shaming learners for being insufficiently knowledgeable of or sensitive to a topic tends to produce the opposite of the desired effect. And rejecting other’s identities and experiences because they do not resemble some blueprint of oppression limits any possibility of learning from people with diverse lived experiences, not to mention building solidarity. The remedy to exclusion is not more exclusion (Freire, 1971).

Teachers cannot spontaneously become experts in the politics of race, gender, and everything else, but we can promote pedagogical norms and infrastructure that support more searching and educative, and less dogmatic and arbitrary, attitudes toward identity. Education for and about identity will not take the meaning or importance of any identity as a foregone conclusion. It will involve listening to others, calling people in, holding space for discomfort or confusion, and expecting mistakes. These recommendations pertain not only to common schooling but, equally, to higher education, academic research, and public discourse more generally. Education has an urgent role to play in a culture that has become excessively polarized and reactionary.<sup>23</sup>

## Conclusion

Philosophers have for centuries appreciated the paradoxes of identity. Essentialist or anti-essentialist, Christian or Buddhist, there is no unanimous account of what separates us from each other and what holds us together. While it is usually wise to leave metaphysics out of public deliberations and focus on liberal equality, we have a deep need to know what makes us who we are and to be seen as the people we take ourselves to be.

In the absence of verifiable or uncontroversial ways of establishing identity, we rely on brute shortcuts. Authenticity has been saddled with explaining much of what feels intuitive to us and politically important about identity. Without a notional concept of authenticity, we lack the ability to parse difficult cases. Identity borderlands are navigated only by comparison with relatively unproblematic ones; but the more closely we look, the more the apparently straightforward cases slip through our fingers. Such ambiguity is politically inconvenient in an environment where we need to

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<sup>23</sup> Admittedly, under conditions of polarization, it is possible that any attempt at engagement will necessarily exacerbate the situation, since neutrality is both elusive and, on some questions related to identity, morally indefensible. Despite these risks, both silence and uncritical deference to the presumptively correct pole are weaker options. I thank an anonymous reviewer for pushing me on this point.

know who someone is before making decisions about recognition and redistribution. In this paper I have tried to illuminate how underlying assumptions about the nature of identity have direct implications for how we treat each other and which claims we can take seriously in a liberal democracy. We are free and equal persons, and we are much else besides. Rawls was correct that we will never reach consensus on these issues. But as citizens and as educators, our task is to better understand who we are and who we ought to be.

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## About the Author

**Lauren Bialystok** is Associate Professor in the Department of Social Justice Education at the Ontario Institute for Studies in Education at the University of Toronto. Her research interests include identity, educational ethics, political philosophy, and sex education. The ideas she brings forward in this article are expanded in a forthcoming book published by MIT Press.