

8

The Shape of Trans Afterlife Justice

C8

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C8.P1 Life has been bad for many trans folks. One hopes the afterlife won't also be bad for us. My plan is to embark on a limited exploration of what a just and good afterlife would look like for trans folks who desire to transition due to gender dysphoria (see further, Yancey 2019). I concede that even if theism is true, there might not be an afterlife. But this possibility hasn't stopped other philosophers and theologians from speculating about the afterlife, and their views have failed to mention trans persons. It seems to me, therefore, that if we're going to speculate about the afterlife, it's worthwhile to have a trans-friendly view on file.

C8.P2 I'll defend four primary claims in this paper. First, I argue that gender dysphoria is a harm to trans persons who experience it, and that this harm (if permitted by Gaia¹) is unjust. Second, I consider issues surrounding *gender identity* and the afterlife. In particular, I'll address the right of trans persons to transition in the afterlife, if they so desire, as a means of rectifying their gender dysphoria. Third, I'll argue that those responsible for their gender dysphoria, such as explicit transphobes but also those responsible for the adverse effects of cishnormativity,² bear primary responsibility to provide resources and even labour to make it happen. While this shouldn't happen without the consent of the transitioning person, transphobes and the like are still 'on the hook', as it were, to offer their services. Fourth, I'll defend the view that trans persons, once they transition, will be afforded opportunities they were unjustly denied in life and will be given the desires of their hearts. In some cases, the provision of these opportunities and satisfaction of these desires will mean reproduction, the chance to enter into romantic unions that were previously unattainable due to transphobia or fears of transphobia, and the chance to reunite with ex-partners for whom trans identities were the cause of an ended partnership.

C8.P3 Whereas some assume that heaven is a perfect place, or at least a place unfettered by bad and impermissible things, I won't assume that. That assumption

¹ I use 'Gaia' as a more neutral substitute for the heavily masculinized 'God'. However, Gaia remains the omniscient, omnipotent, omnibenevolent, and morally impeccable divinity of Anselmian theism.

² The existing data support the possibility that one's gender dysphoria can be caused or exacerbated by bullying. See, for example (Littman 2018). Of course, even if gender dysphoria lacks social causes, suicidal ideation is clearly linked to bullying, which is sufficient for my purposes.

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has been challenged in recent years,³ and I prefer to avoid assuming that transphobic bullies are fully reformed by the time they arrive in heaven. Perhaps there's something redemptive about working out their salvation with queer assembling.⁴ Instead, I'll help myself to the more modest assumption that heaven is a place in which all bad and impermissible things are eventually (and, in all likelihood, *swiftly*) overcome. The afterlife is the place where all wrongs are eventually righted and justice is done.

C8.S1 **1. Gender Dysphoria, Transitioning, and Justice**

C8.P4 Some of us are trans. By this, I mean that some of us are not cisgender. What it means to be cisgender is disputed, but here's what I mean by it:

C8.P5 S is cisgender =_{df} S identifies with S's natal (pre-transitional) physical sexual properties, but no other sexual properties

C8.P6 What are these properties? And what does it mean to identify with them? There's some scepticism that there even *are* sexual properties, but let's suppose that there are. The common list includes testes, penises, vaginas, ovaries, breasts, and the like. Identifying with these properties is a matter of not viewing these properties as somehow alien, 'mismatched', or misleading relative to their internal sense of identity. Lastly, to say that these properties are 'natal' or 'pre-transitional' is to say that one comes by them naturally.⁵

C8.P7 What will be the state of trans persons in heaven? By 'trans persons', I mean persons who don't identify with one or more features of their sexual body but typically *do* identify with one or more features of some other sexual body.⁶ To understand more clearly my question about trans persons, consider the following example:

C8.P8 Kai is born to her parents, Shannon and Joan, who are delighted to meet Kai. Because Kai has a penis, testicles, and XY chromosomes (in brief, her sexual parts), the medical staff fills in her birth certificate as 'Male'. Once she's old enough to be aware of her body, however, Kai sees her sexual parts as alien, strange, and upsetting. She wants them removed and replaced with other parts.

³ See (Pelser 2016).

⁴ A more general exhortation of this kind is issued in the *Epistle of Saint Paul to the Philippians*, chapter 2, verse 12.

⁵ I say 'naturally' instead of 'from birth' because some physical sexual properties, like enlarged breasts, aren't present at birth but are the result of natural processes (in this case, adolescence).

⁶ By this, I don't mean to assume the stronger claim that someone's sex is determined by their sexual parts, or by a cluster of those sexual parts. For a defence of that view, see (Stone 2007: Ch. 1),

‘Where are my vagina and breasts?’ she wonders during puberty. These issues are compounded by transphobic bullying. Shannon and Joan are supportive but lack the financial resources to help Kai transition. As a result, Kai spends years feeling deeply dysphoric about her body, battling depression, and eventually dies by suicide because of the intense bullying she faces for her gender identity.

CS.P9 Kai’s story is fictional, but it isn’t uncommon.⁷ While not all trans persons experience *gender dysphoria* about sexual features of their bodies, many do.⁸ When I say ‘gender dysphoria’, I mean it in the clinical sense found in the *Diagnostic and Statistical Manual of Mental Disorders*:

CS.P10 *Gender dysphoria* as a general descriptive term refers to an individual’s affective/cognitive discontent with the assigned gender but is more specifically defined when used as a diagnostic category *Gender dysphoria* refers to the distress that may accompany the incongruence between one’s experienced or expressed gender and one’s assigned gender.

(American Psychiatric Association 2013: 451)

CS.P11 Insofar as it constitutively involves distress, gender dysphoria is obviously bad for those who suffer from it. As Kai’s case shows, furthermore, it can be *severely* bad. While not all bad things that happen to persons are injustices, they are *pro tanto* injustices.⁹ By this, I simply mean that if a bad thing happens to a person, that bad thing happening to that person is an injustice, other things being equal. It is, in other words, something that shouldn’t happen to that person, something that should be prevented, something for which the person should have a say over, other things being equal. In the case of gender dysphoria, I will assume the relatively uncontroversial claim that is *always* an injustice that anyone suffers from it. It’s true that Gaia doesn’t *cause* or perhaps even *intend* for these unjust harms to befall Kai. Nevertheless, it’s still an injustice for which Gaia is ‘on the hook’ even if we assume that Gaia didn’t commit any injustice in permitting Kai to be dysphoria. To see why, consider the following example:

⁷ Kai’s case is designed to fit the diagnostic features of gender dysphoria. See (American Psychiatric Association 2013: 453–4).

⁸ The *Diagnostic and Statistical Manual of Mental Disorders* is clear that ‘not all [trans] individuals will experience distress as a result’ of their trans identity. See (American Psychiatric Association 2013: 451). It’s also clear that not all trans persons wish to transition. See (American Psychiatric Association 2013: 454).

⁹ Punishment, for example, might involve the infliction of certain harms, and harms are bad for those who suffer them. Where punishment is deserved, it’s morally permissible to inflict those harms. But that’s consistent with saying that those harms are a *pro tanto* injustice: that is, absent justification (e.g., the justification of punishing the guilty), it would be *unjust* to inflict them on a person.

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- C8.P12 Shannon, Joan, and Jon are performing at a concert when Jon and Joan slip and fall. Shannon can catch only one of them, and she chooses her partner, Joan. As a result, Jon falls and, when he falls, he breaks his leg. He cries out for assistance.
- C8.P13 That Shannon rescued one person instead of another is morally permitted. That she chose her partner Joan over her friend Jon is also permitted.¹⁰ Still, there are two other moral facts. First, what happened to Jon is unjust. Second, Jon has a claim on Shannon (and others) to assistance after breaking his leg. In a similar way, Kai has a claim on Gaia to assist her with dysphoria. We might even suppose that Kai has *more* of a claim on Gaia than anyone else since Gaia was in the best, if not the only, position to help her.¹¹
- C8.P14 But suppose you *don't* accept the view that there can be natural injustices. You should at the very least believe that some harms resulting from natural causes can *become* injustices. For example, suppose a tree collapses on me and will kill me unless someone intervenes. Suppose also that someone is wandering through the forest when they see me trapped under a tree. Realizing I am queer, they refuse to help, thinking it's better if there are fewer queer people in the world. In that case, the queerphobic persons fails to discharge her *duty of assistance*. While the initial harm to me from the tree is a natural injustice for which no one is responsible, the later harm (i.e., my death) is one for which the passer-by is morally responsible. That's unjust. On the plausible assumption that Gaia has the knowledge and power to intervene in the lives of trans persons and prevent them from being bullied, or prevent their dysphoria, or help them transition to alleviate their dysphoria, Gaia is morally responsible for failing to do so. Thus, the presence of trans persons in the afterlife who *needed* to transition to alleviate their gender dysphoria but never had the chance to transition is something Gaia is morally responsible for. This is a *pro tanto* injustice in need of fixing.
- C8.P15 Back to the original question: After Kai's death, what happens? According to theistic materialists like Trenton Merricks, Kai is identical with her body, and thus Kai remains where her body is until the Resurrection. At the Resurrection, Kai's body will be assumed into heaven where it will remain forever. Others, like many theistic dualists, maintain that Kai is identical with her soul, and her soul will depart her body upon biological death and will enter heaven where it will remain forever. Merricks objects to dualism on the grounds that the doctrine of the Resurrection is puzzling, or even pointless, if materialism is false. From one angle, it's easy to see why that might be true. As Merricks himself says,

¹⁰ In fact, its permissibility is overdetermined. Shannon is permitted to save Joan over Jon, first, because Joan is her partner and Jon isn't. Second, because she can't save them both but she's nevertheless permitted to save *someone*, she's permitted to save either Joan over Jon (which she in fact does) or Jon over Joan (which she doesn't).

¹¹ For a further defence of this claim, see below, including footnote 13.

C8.P16 [T]he Bible treats resurrection as very important. But if dualism were true, it is hard to see why our resurrection would be a big deal. Now the dualist might object that a soul in Heaven without a body is somehow mutilated or incomplete, and so the dualist might insist that resurrection is a blessing. But it is hard to know just how much stress on what we gain in resurrection is, by its very nature, stress on what we lack before resurrection. Preresurrection existence united with God in Heaven is not supposed to be *too* bad; indeed, it is supposed to be *very good*. (Merricks 1999: 280–1)¹²

C8.P17 If persons leave their bodies and enter the exquisite joy of heaven, of what use are their bodies anymore? More to the point: Of what use is *embodiment* anymore? I don't mean to suggest that Merricks is right about any of this. What I *am* suggesting is that embodiment is important in the afterlife. The case of Kai shows, I think, is that there's strong reason for thinking afterlife embodiment is important, a reason related to the requirements of justice. Moreover, as we've seen, there's some reason to think that Kai's claim is a claim primarily against *Gaia*, since it was Gaia who permitted Kai to be dysphoric in the first place and, better than Kai's parents or anyone else, was in the best position to help Kai transition.¹³ Now that Kai has died and exists in heaven, it's even more surely true that Gaia is in the best (or perhaps the *only*) position to help Kai. And since Gaia bears primary responsibility for the economy of the afterlife (if not the *pre*-afterlife), this is further reason to believe that Gaia bears primary responsibility to alleviate Kai's predicament.

C8.S2 **2. Three Proposals for Satisfying Trans Justice**

C8.P18 A seemingly straightforward way of helping trans persons avoid the dysphoria related to the way their body is currently sexed is to change the way they conceive of their own gender. In Kai's case, for example, this means making her think of herself as a man.

C8.P19 This 'solution' reflects a particular way of thinking about the problem. Kai doesn't like her body, so we must either change what Kai likes or change Kai's

¹² Cf. (Merricks 2011: 484).

¹³ This seems even more plausible if Gaia infallibly foreknew that Kai would be dysphoric. Consider the earlier example with Shannon, Joan, and Jon, but this time suppose that Shannon foresaw the event a decade before it happened. Plausibly, Jon still has a claim of assistance against Shannon and Joan, and thus Shannon and Joan are both responsible for helping Jon. But isn't Shannon *more* responsible than Joan, given that she foresaw the events and could have prevented them? It seems to me that she is, since more opportunity to prevent bad things implies more responsibility to do so. The same is true, of course, with power, and no one is more powerful than Gaia. So it seems to me that these are two reasons to believe that Gaia bears primary responsibility for helping Kai.

body. The ‘solution’ under consideration here advocates changing what Kai likes, and in particular how Kai identifies.

C8.P20 But this ‘solution’ is problematic on at least two levels. First, it’s problematic on a *metaphysical* level. An individual’s gender identity tends to be stable over time, much like sexual orientation, and it’s unclear whether it’s possible to change it.¹⁴ The most pressing problems, however, are *ethical* ones. Consider the following example of a standard emergency medical procedure:

C8.P21 Elena is accidentally caught in a recently demolished building. A famous and successful lawyer, Elena prides herself on her intellectual accomplishments and dreads the day when her mind begins to fade. Emergency medical professionals rush to the scene and offer assistance. Elena is trapped on both ends: her head and her legs are pinned beneath the rubble. In order to remove her, the emergency responders will need either to drill through parts of her leg or through parts of her head. Either procedure will result in her release, but both procedures could possibly do serious damage. Elena is unconscious, but the emergency responders know how much Elena identifies with her intelligence and how she doesn’t identify with her legs.

C8.P22 In this case, it seems apparent that the emergency responders should prioritize the protection of Elena’s intelligence over the protection of her legs. The reason this seems true is because Elena’s intelligence is a feature of her identity that’s endorsed by her, whereas her legs don’t enjoy that status. Consider one further example:

C8.P23 Diane is a breast cancer survivor who strongly identifies with her identity as a cisgender woman. More than that, she identifies with what she believes are her womanly features, particularly her one remaining breast. However, the fact that she identifies so strongly with her one remaining breast has caused her considerable stress about breast cancer recurrence. The stress is so great, in fact, that she’s undergoing psychiatric care to help her cope. The medical professionals determine that if they simply removed Diane’s only breast, she’d be devastated by the loss but she’d no longer worry about recurrence. Either option appears equally medically costly to Diane, and her medical team is forced to come up with a recommendation, since Diane is under psychiatric care and isn’t able to make an informed medical decision in her current state.

C8.P24 In Diane’s case, the options of a second mastectomy and continued psychiatric care appear *equally medically costly*. Thus, it might appear that the decision could

¹⁴ Recent psychological research suggests gender identity is part of an individual’s deep cognition quite early on. See, for example, (Olson, Key, and Eaton 2015).

be permissibly made arbitrarily. But that's false, since Diane *identifies with* her breast; the loss of it is why she's so distressed in the first place. As in Elena's case, medical professionals should prioritize salvaging features of agents that are parts of an agent's identity and are endorsed by the agent, rather than sacrificing those features and salvaging features that are neither.

C8.P25 Moreover, if an agent *endorses* an identity feature and *rejects* a non-identity feature, that's all the more reason to prioritize salvaging the identity feature. In both Elena's and Diane's cases, they surely don't *reject* the features that receive less priority: Elena no doubt would prefer that her legs not be damaged, and Diane no doubt prefers that she not require psychiatric care. But if they did, that makes the decision even easier; it makes it even clearer that the features of their identity should be preserved over other features. Kai's case is like this latter sort of case, since Kai not only doesn't identify with her current sexed body, but also *rejects* it. Thus, Kai's case is a more straightforward case in which the right decision seems manifestly clear. Call the underlying principle at work in these cases the Agency Prioritization Principle (APP):

C8.P26 (APP) If the conjunction of features *G* and *B* is medically problematic, medical professionals should prioritize (and encourage the prioritization of) the preservation of *G* over *B* if:

- i. *G* is a feature of the patient's identity and *B* isn't, *and either*:
- ii. *G* is endorsed by the patient's agency and *B* isn't, *or*
- iii. *G* isn't rejected by the patient's agency but *B* is.

C8.P27 Furthermore, the presumption of altering *who a person is* rather than altering a person's body suggests a negative presumption against that person's identity. In this case, the presumption is against Kai's gender identity. But that's wrongly discriminatory. Call this the Innocent Identity Principle.

C8.P28 It might be objected that the presumption isn't against Kai's gender identity *per se*, but to Kai's gender identity *given* the dysphoria. The objection fails, however, since even then there's a choice about where the presumptive badness lies, and the gender identity (rather than the body, or certain bodily features) is the chosen culprit. For example, suppose a cancer patient, Abdul, desires to treat his cancer with extremely successful gene therapy instead of chemotherapy because he feels very strongly about keeping his long hair.¹⁵ As a child, Abdul lose his hair to chemotherapy to treat childhood leukaemia, and he vowed never to cut (or lose) his hair, which connects him with his past and symbolizes his survivor status. These facts make clear that Abdul's hair is a feature of his identity. If medical professionals see the two options—chemotherapy and gene therapy—as morally

¹⁵ Suppose also that the gene therapy is at least as effective a treatment as chemotherapy.

equal methods of treating Abdul, they thereby fail to take Abdul's identity sufficiently seriously. And if they try to convince Abdul to *stop* valuing his hair or the history that accompanies it, they thereby target Abdul's identity and the cancer instead of just the cancer. By targeting both, they implicate Abdul's identity—his 'obsession' with his hair—as part of the problem, and pursue a course of action that damages both his identity and the cancer. Matters would be different if Abdul's identity were predicated on a false belief. For example, if Abdul preferred chemotherapy only because he (falsely) believed his loved ones would be harmed by the loss of his hair, then it seems permissible for Abdul's family or even his medical team to intervene and tell him that his family is indifferent. Similarly, if chemotherapy would be more effective than gene therapy, then it might be permissible for Abdul's family or medical team to talk him into chemotherapy (causing the loss of his hair) over gene therapy. In cases where one's identity itself is unproblematic, as with trans persons, zeroing in on one's identity as the culprit is either arbitrary or pernicious.

C8.P29 Here's a similar (and final) moral consideration: Kai will be burdened one way or another: Either she will undergo a change of gender identity, in which case she will lose something of great importance to her; or she will undergo radical bodily changes, which is also a significant burden.¹⁶ If Gaia chooses to alter Kai's gender identity instead of her body, Gaia will be placing the burden on Kai's *identity* rather than Kai's *body*. This way of placing the burden seems unjust, however, given how *underprivileged* Kai's identity has been in the past—for example, at the hands of her bullies. Thus, there is a reason of justice to privilege her identity over her body, and thus to prefer altering her body over her gender identity. Call this the Burden Allocation Principle.

C8.P30 What of individuals who, unlike Kai, *don't* have a history of being mistreated because of their gender identity? Is it still unjust to privilege their bodies over their identities? Having a history of being bullied can't reasonably be the price of admission for a presumption in favour of one's gender identity over one's current sexed body. Thus, while a history of unjust discrimination against one's gender identity does ground a claim of justice for altering one's body instead of one's gender identity, there remains a deeper, underlying consideration of justice that dictates why the burden should be placed on one's body rather than on one's identity. Perhaps it's the Agency Prioritization Principle or some other principle. What seems clear, at the very least, is that there *is* some underlying principle that grounds the claim to a just allocation of burdens—one that implicates the presumption of body over identity as morally misguided.

¹⁶ This is perhaps less worrisome in the case of treatment by a *divine* agent, since the burdens of medical recovery would presumably be minimal, if they occurred at all. Moreover, it's worth noting that transitioning would also be a *relief* to Kai, given her dysphoria, which would offset some (if not all) of the burdens of undergoing serious bodily changes.

C8.P31 A second possibility is that Gaia will treat a dysphoric trans person's dysphoria *directly*—for example, by bringing it about that they *don't* feel dysphoric about their bodies, releasing them from the urge to transition. In other words, Gaia makes them feel satisfied with their current state: stuck in the 'wrong body', but fine with it. A similar possibility is that Gaia will *remove* dysphoric trans persons from the 'wrong bodies' and permit them to 'float free' as disembodied souls. This is yet another way of treating their dysphoria by removing the cause of the dysphoria.

C8.P32 This possibility, like the one before it, is problematic for reasons related to autonomy. What plagues dysphoric trans persons is not simply that they are in the wrong body, but that they aren't in the *right* body. Thus, their desire is not simply to be removed from the body they have, but to have it replaced by another body—a body that suits their identity (or identities).¹⁷ These individuals want not only to avoid *disliking* and *failing to identify with* their sexed bodies; rather, they want to be in a position where they *like* and *identify with* their new sexed bodies.¹⁸

C8.P33 What follows from all of this? One thing that seems to follow is that *merely removing* dysphoric feelings will be a violation of the Agency Prioritization Principle. The reason is simple: The feature endorsed by dysphoric trans persons is their gender identity, and the rejected feature is their current sexed body. According to the Agency Prioritization Principle, we should prioritize the former over the latter. Merely removing dysphoric feelings prioritizes gender identity and sexed body at best equally, and at worst is a de facto prioritization of the *sexed body* over the gender identity. The agent's rejection of certain features of their sexed bodies is seemingly ignored, or at least has no obvious importance in the result. Thus, merely curing the dysphoria won't do, because it's not the right sort of treatment, and nor is any treatment that's shy on respecting the agent's autonomy.

C8.P34 One earlier framing of the problem of gender dysphoria is this: Because the problem is the *conjunction* of Kai's gender identity and her body, what's needed (assuming the dysphoria isn't treated directly) is either an identity change or a bodily change. As we've seen, there are strong ethical reasons to favour a *bodily*

¹⁷ This isn't to endorse the Wrong Body Account of trans identities. At most, I assume that *some* trans persons with an interest in transitioning desire bodies with which they identify. As far as assumptions go, that's pretty minimal. However, it's my view that the Wrong Body Account of trans *identities* should be rejected. For defences of this claim, see (Bettcher 2014; Dembroff 2019).

¹⁸ The underlying assumption here is that dysphoric trans persons have dysphoric feelings not simply because they don't identify with the bodies they're in, but also because they identify with some other form(s) of embodiment. This seems plausible in one sense, namely, it seems that dysphoric trans persons are dissatisfied with their current embodied state because it isn't the embodied state they want. Their dysphoria, in other words, doesn't arise from nothing; it depends essentially on identifying with another sexed body. But suppose this assumption turns out to be false, or at least true relative only to a limited number of dysphoric trans persons. Assume, then, that *some* dysphoric trans persons are dysphoric merely because they don't identify with the bodies they're in. What follows from this? Not much. Insofar as the persons are trans, they already fail to identify with their current bodies. Thus, there remains a feature of their agency that ought to be prioritized over their bodily state, as the Agency Prioritization Principle claims.

change. The Agency Prioritization Principle directs us to prioritize features of an agent's identity over features not as strictly related to their agency, which in Kai's case entails prioritizing her gender identity over preserving her current form of sexed embodiment. This principle gains even more plausibility when the agent *endorses* the former feature and rejects the latter. Other principles, too, like the Innocent Identity Principle and the Burden Allocation Principle, point strongly towards favouring a bodily change.

C8.P35 The bodily change in question is, of course, gender confirmation surgery, or transitioning: Kai's penis and testes will be removed and replaced with a vagina and ovaries, and so on.¹⁹ Gaia might accomplish this in any number of ways, and presumably (given Gaia's power and knowledge) without the surgical difficulties that might typically be associated with transitioning. First, Gaia might provide Kai with the option of selecting an entirely new body—perhaps a conveyor belt filled with endless bodies waiting to be filled.²⁰ Second, Gaia might miraculously alter Kai's physiology, either instantly or over time. In any case, Gaia will have ethical reasons to select a body for Kai that will result not only in a successful transition for Kai, but as unproblematic a transition as feasible.²¹

C8.S3

3. Conscripting Transphobes

C8.P36 Having now explained *why* trans persons should be given the opportunity to transition in the afterlife, I'll now explain *who* should help with the transitioning. I'll argue that because transphobic persons are principally responsible for feelings of dysphoria, they are morally responsible for reparations to trans persons. This could take a variety of forms, but here I'll focus on how transphobes can assist trans persons with transitioning.

C8.P37 If the arguments in section 2 are right, then trans persons have a *moral claim* to transition in the afterlife. Their claim is grounded in the dysphoria they feel, which is bad for them. While there are many causes of gender dysphoria, a dominant cause is transphobia. These behaviours are sometimes explicitly transphobic, such as bullying or physical assault, but they are sometimes less explicit, as in clinical settings or familial rejection (Bauer et al. 2009; Erbenius and Payne 2018). What's

¹⁹ For persons like Kai, it might also be a matter of justice that their reproductive organs be *functional*, not just in the sensory sense but also in the reproductive sense. Suppose, for example, that Kai wanted to bear children but couldn't because of her misfortune of being born in the wrong body. In such a case, it's far from obvious that an afterlife in which there's no reproduction (or worse: no *possibility* of reproduction) is one that meets the requirements of justice. This finding appears to run against a traditional theistic (and particularly Christian) view that no one will be born in the afterlife.

²⁰ This assumes the falsity of (some) forms of materialism. However, I mention it here merely as an epistemic possibility, not as a metaphysical commitment to non-materialism.

²¹ If Gaia *can't* accomplish this much for Kai, then (it seems to me) that Gaia acted wrongly in *creating* Kai (or, alternately, *allowing* Kai to come into existence).

clear is that transphobic behaviours are *dangerous*.²² According to one study, roughly ‘41% of transgender people attempt suicide at least once in their lives compared to the rate of 5% in the general population’ (Williams 2017: S894). Risk factors include, among other things, ‘lack of family and social supports, gender-based discrimination, transgender-based abuse and violence’ as well as ‘gender dysphoria and body-related shame’ and ‘difficulty while undergoing gender reassignment’ (Williams 2017: S894). And various studies support the conclusion, widely endorsed among mental health professionals, that the best means of mitigating risk to trans persons is by enacting and enforcing anti-discrimination laws (Marshall et al. 2016). Legal scholars, too, have observed that contemporary legal precedents, such as those in the United Kingdom, effectively criminalize trans persons seeking romantic partners without first disclosing their trans identities (Douglas 2017). Since such laws allow violent, discriminatory practices towards trans persons, these laws *enable* transphobia. In short: Transphobes are a significant culprit in risks to trans persons.

C8.P38 There’s an argument to be made that the circle of people who are morally responsible for gender dysphoria is wider than these studies suggest. In many ways, *cisnormativity*—that is, the practice, implicit or otherwise, that being cis is normative and that trans persons transgress this norm—is to blame, and cisnormativity is reinforced in ways far broader than simple transphobia. For example, many trans women are turned away from shelters because they don’t wear feminine dress, or because they have facial hair, or refuse to shower separately from cis women. Jake Pyne, a social worker, makes this observation about such mistreatment:

C8.P39 While this treatment can be described as transphobic, looking at it through the lens of cisnormativity, which renders the dominant experience of gender invisible, helps to explain how such discrimination is possible. Under the assumption of the universality of cis experience, no information is collected or imparted about trans communities. Through the process described by Bauer et al. (2009) as institutional erasure, services such as shelters can then be created exclusively in the image of a cis norm. Cis women’s bodies, those expected in women’s shelters, disappear from view as normal and unremarkable while trans women’s bodies are produced as anomalies, drawing relentless scrutiny from service providers.
(Pyne 2011: 133)

C8.P40 Cisnormativity is also implicitly taught to children. Parents invariably discuss relationships with their children at some point, and both bodily language and verbal cues can be used to instil or reinforce cis norms (Ericsson 2018).

²² This also holds across more specific populations, such as US veterans, where the suicide rate is higher even among veterans, who have a suicide rate higher than the average adult population in the US. See (Blosnich et al. 2013).

C8.P41 Cisnormativity is pervasive, including in significant or subtle ways trans people view and practise religion (Sumerau, Methers, and Cragun 2018). In my own experience at Christian weddings for cis-hetero partners, there's considerable talk about how 'men' are 'meant' for 'women', usually followed with the citation of a biblical passage (long used as a force for strong cis norms) and a description of what makes someone a 'wonderful man' or a 'beautiful woman'. These descriptions serve as uplifting identifiers for members of the cis in-group, but they severely ostracize those of us who, despite identifying as men, women, or non-binary, are painfully aware of the unspoken essentialist assumptions made at weddings. Since cisnormative practices tend overwhelmingly to adversely affect trans persons, those responsible for maintaining cisnormativity bear some responsibility for the resulting harms to trans persons. This can include anything from kicking out a trans woman from a women's shelter because she has facial hair to reciting gender essentialist vows at a wedding.

C8.P42 The fact that cisnormativity is typically invisible to cis persons doesn't altogether eliminate their duty to express remorse for, and mitigate the damage of, their complicity in cisnormative practices. I might not intend to knock you over and bruise your arm, but I owe you an apology—and a ride to the hospital—if I do so. Where cisnormative practices abrogate very basic moral requirements, such as the duty not to bully or murder trans persons because of their identities, far more is owed to trans persons. But even when the violations are not as bad as they could be, there's a residual obligation to make things right. If, as many have claimed, heaven is a place of perfect justice and total reconciliation, much will be owed to trans persons, and uncountably many will owe it.

C8.P43 There are justice-based reasons to prefer, at least presumptively, that the wrongdoers *directly* rectify their injustices. In many criminal law cases, criminals are forced to pay *the state*, which is often considered a way of settling moral debts. While the requirements of justice can be satisfied in this way, that isn't always the case. For example, if I steal your money, this wrongs both society as a whole (whose lawful and tranquil existence is threatened by criminality), but it also wrongs *you*—and, indeed, it wrongs you more precisely because the money taken is your money. That is, *interpersonal* justice trumps *collective* justice in cases where a particular individual has been harmed more than the collective. Of course, there's reason to prefer a solution that makes both society and the individual whole. But in cases where the choice is between rectifying the particular wrong to the particular wronged individual, or not doing both of those, justice prefers the former to the latter.²³ Thus, justice prefers, at least presumptively, that transphobes directly rectify their injustices to trans persons. Of course, there may be reasons, and even justice-based reasons, against transphobes directly rectifying

²³ If the *particular wrong* isn't redressed, there's a remaining duty to redress that wrong. And if the *particular victim* isn't made whole, then justice isn't done *for that person*.

their injustices to trans persons. For example, trans persons might prefer to forego further interaction with their transphobic tormentors. However, this is why I claim only that there are *presumptive* justice-based reasons to prefer direct rectification by transphobes. This is something they owe to trans persons, but trans persons can cancel the moral debt or, within certain limits, change how the moral debt is paid.

C8.P44 The afterlife, fortunately, is a place where Gaia executes perfect justice. It's not a place run by transphobes or their sympathizers. Thus, transphobes will not escape justice in the afterlife, but will face it. This is true not only of transphobes, but also of those who bear any responsibility for the predicament of trans persons. So far, I've been discussing trans persons who have experienced transphobia and who find transitioning as an appropriate and desirable means of addressing their dysphoria.²⁴ Since that's what's best for them, and best as a solution to the dysphoria caused by transphobia, then transitioning is the means of repairing the harm done to them. Because transphobes are responsible for repairing the harm done, and because transitioning is the means of doing that, transphobes are responsible for assisting with transitioning. This might violate their conception of the good, but their conception is false. More to the point, the point of their participation in the transitioning process is not (merely) to correct their faulty views, but rather to hold them responsible for their unjust participation in transphobic bullying and reinforcement of cisnormativity. If heaven is a perfect place where people arrive morally transformed, then transphobes will have a fully gender egalitarian outlook and will support transitioning. But under the assumption that transphobes maintain their false, transphobic beliefs, it's plausible to think they would (at least initially) refuse to assist with transitioning. In such a case, Gaia, as the orchestrator of perfect justice, would compel them to assist. I have no speculative view about *how* Gaia might do this, but it's a plausible assumption that Gaia *could* do this if it were morally required (and it is).

C8.P45 By conscripting their services, Gaia doesn't wrong them, since Gaia merely forces them to meet the requirements of justice. And since Gaia is *themselves* partially responsible for the actions of transphobes, it's incumbent *on Gaia* to ensure their full participation. This is further reason to believe that Gaia *can* do so: If Gaia couldn't, then Gaia would have created a world in which justice for trans persons was foreseeably impossible, and that's incompatible with Gaia's perfectly just nature. Here's one way this might go:

C8.P46 Kai, upon arriving in heaven, is greeted by Gaia. Once Kai is comfortable and ready, Gaia reintroduces Kai to those who mistreated her during her earthly life.

²⁴ This isn't true of *all* trans persons. As a result, compensating them with transitioning is inappropriate or undesirable (or both), and thus a fuller account of queer afterlife justice is required. I motivate such an account below.

Some of Kai's bullies have changed and eagerly await Kai's instructions. Others are reluctant or unwilling to help, but Gaia has a plan: Each time a recalcitrant transphobe wills something—anything—one of Kai's transitioning wishes will be granted. ('I refuse to help Kai develop ovaries', one of them decides. *Bam!* Ovaries are created using their very willpower.) Since they can't avoid willing *something*, they realize their inescapable, substantive role in the transitioning process and surrender their ill will. As the process moves along, each of Kai's former perpetrators learns more about who she is, how they've harmed her, and how their current efforts are helping to right their wrongs. 'Behold your *sister*', Gaia tells them.

C8.P47 This picture is one of *restorative* justice. It grants moral renewal to the former perpetrators and psychological wholeness to the former victim. It's not simply *retributive* (or punitive). Transphobes aren't sent to hell to be tortured forever, or annihilated, or instantly transformed into moral saints without a need to become, through their own agency, gender egalitarians: people who love trans persons for who they are, freely accepting their identities and exhibiting a conscious recognition of their part in the drama of redemption. That Gaia plays a central role in this is buttressed by the view that we don't fully redeem ourselves, but that we are yanked to the pinnacle of moral life by divine grace.²⁵

C8.P48 Of course, this would hardly be an act of grace if trans persons *rejected* the help of their oppressors. The desire never to see one's bullies again is more than reasonable, and it should be respected by Gaia. To do otherwise would also fail to be restorative: It would tear at the existing wounds of a trans person, forcing them to confront their bullies and have their bodies causally shaped by them. Thus, a trans person's preferences should take priority over conscripting the services of transphobes to relieve the harm they have done. In cases where a trans person prefers merely not to interact face to face with their bullies, the bullies can still take part in the transitioning process. They can, for example, be empowered by Gaia to make the desired changes to Kai from a distance.

C8.P49 The final thing to consider in this section is the shape of justice for trans persons who experience dysphoria, but for whom transitioning is undesirable. I am one such trans person. Despite never identifying with my body, I have no interest in transitioning. Nor has the transphobia I have experienced, as a non-binary trans person, prompted me to feel differently about transitioning. While Gaia could cause me to desire transitioning, this wouldn't be *my* reaction to the transphobia I have experienced. This would not only fail to satisfy my restorative justice-related preferences. It would also be a case of someone responsible for the

²⁵ On this view, the fact that Gaia is duty-bound to transform transphobes is a matter of grace because Gaia doesn't owe this transformation *to transphobes*, but rather to trans persons. Thus, transphobes are 'saved' despite being undeserving.

transphobia I have experienced (Gaia) changing the terms of restorative justice, which is morally inappropriate—perhaps even unjust.²⁶ Thus, unless I come to view transitioning as an acceptable form of moral restitution, some other form of restitution is morally required. In some cases, this might take the form of a sincere apology. Some are quick to forgive those who seem genuinely repentant. But for many trans persons who lack a desire to transition despite being wounded and wronged by transphobia, this would fall dramatically short of fully just restitution. That some trans persons might turn down an offer to transition from Gaia or other parties responsible for transphobia doesn't entail that they waive their right to restitution altogether. They might do both, but they needn't do both. And if they maintain their right to restitution, justice permits them to set the terms (within certain limits) and requires others to follow them.

C8.S4

4. Trans (After)Life

C8.P50

What will transitioning enable trans persons to *do* in the afterlife? Transitioning doesn't always result in proper recognition of someone's gender identity. Indeed, many trans persons face *worse* discrimination as a result of transitioning. But we can safely dismiss these concerns about trans persons in heaven, since heaven is a place where further injustices don't occur. Since transphobic treatment of, and transphobic reactions to, trans persons are unjust, they won't occur in heaven. This implies that trans persons *will* receive their due gender recognition.

C8.P51

There are, however, more fundamental questions that need answering. Some trans persons, due to their pre-transitional embodiment, were unable to do various things they may have desired to do. For example, some trans women desire to carry children but are unable to do so. Others desire to pursue romantic relationships with persons *in* the body of their choice but were not afforded a reasonable opportunity to transition. Still other trans persons were in romantic relationships during their earthly lives, but their partnerships ended as a result of their trans identities being revealed. These are harms. Because Gaia permits them, they are *pro tanto* injustices. How will Gaia rectify these injustices in the afterlife? On the one hand, Gaia might take what Eleonore Stump calls a 'stern-minded attitude':

²⁶ Consider an example. Suppose I wrong you and owe you some financial compensation between \$50 and \$100, that the exact amount is your discretion, and that you ask me for \$75. Suppose also that if I changed your desires such that you altogether waive your right to repayment, I wouldn't be obligated to pay you \$75 (or anything, for that matter). Suppose that, knowing all of this, I change your desires in a way that bypasses your agency for the sole purpose of benefiting myself. That strikes me as plainly impermissible.

- C8.P52 Ordinarily, a parent's goodness is not impugned if the parent refuses to provide for the child anything whatever that the child sets his heart on. A child could set his heart on things very destructive for him, for example, or even on evil things. He could set his heart in random ways on continually changing things or on mutually impossible things. And no doubt, this is not the end of the list of such very problematic instances of heart's desires. In such cases, even if it were possible to do so, a good parent would not give the child what the child desires just because the parent loves the child and wants what is best for the child; she is at cross-purposes with the child just because she cares as much as she does that the child flourish. An analogous point holds with regard to God and the suffering of adult human beings. In cases where the desires of a person's heart are seriously inimical to his flourishing, reasonable people are unlikely to suppose that some explanation for a good God's failure to give that person the desires of his heart. If we exclude such cases, however, there still remain many instances in which a person is heartbroken in consequence of having set his heart, in humanly understandably and appropriate ways, on something whose value for him is derivative of his love for it. Even with regard to this restricted class of cases, stern-minded thinkers suppose that, as long as flourishing is preserved, the desires of the heart should be abandoned if cleaving to them leads to suffering. (2010: 422)
- C8.P53 The stern-minded attitude, fortunately, is inappropriate for the case of trans persons. For starters, it's inappropriate because the relevant trans persons *wouldn't* flourish without having these desires satisfied. Nor are their desires destructive or evil, as I have argued. And there is nothing logically impossible with trans persons bearing children in the afterlife, or pursuing romantic unions in the afterlife, or restoring their prior partnerships in the afterlife. Moreover, since *Gaia* is on the hook for the harms that befell them as trans persons, it's doubtful that *Gaia* is positioned to deny trans persons their desires, for it is *Gaia* who permitted those desires to be frustrated in the first place. Thus, I think we can safely dismiss the stern-minded attitude.
- C8.P54 Stump, too, rejects the stern-minded attitude. What's valuable about Stump's rejection of stern-mindedness is the *way* in which Stump rejects it. For Stump, satisfying the desires of the heart is motivated even if those desires are not directly tied to flourishing or, more generally, to one's welfare. This is useful for theists who don't already accept the identities or desires of trans persons, and who find those desires childish in the ways Stump describes above. She argues,
- C8.P55 It is an unpalatable position, even from the point of view of an ascetically minded Christianity. It underlies [a] repellent and lamentable mindset. . . . It is also incompatible with the love of one's neighbor and consequently with love of God as well. Contrary to the stern-minded attitude, there are things

worth desiring other than the intrinsically valuable things necessary for human flourishing, and the desires for these things should not be suppressed or stamped out. (431)

C8.P56 Stump goes on to say that suppressing or stamping out many of these desires ‘leads not to human excellence . . . but to a kind of inhumanity’ (431). In cases where what trans persons desire is unity with their reproductive selves and the children that result, or with yet-unknown romantic partners, or even reunification with past romantic partners, their desires are fundamentally for other persons. On Stump’s view, desiring union with persons in this way is one of the most commendable desires of the heart, and should be both preserved and cherished by Gaia (439). For the reasons Stump provides and the reasons I have separately defended, the most plausible view is that the desires of trans persons, both romantically and reproductively, will be satisfied in the afterlife. The shape of queer justice in the afterlife, therefore, is one in which trans persons receive what they were previously (and unjustly) denied either by Gaia or their fellow humans.

C8.P57 Two objections to this view immediately come to mind. The first is that the children of trans persons would have little freedom in their heavenly lives, having had no freedom prior to their time in heaven (since they had no existence prior to heaven). The second is that trans persons can’t have a claim of justice to particular romantic unions, especially ones in which they have been rejected (as in the case of ex-partners). I shall address both objections. My response to the first objection is to note that this is not a unique problem for my view, but is instead a problem for any view on which freedom is curtailed in heaven (Tamburro 2017). My response to the second objection is to distinguish between *having a claim of justice against someone else to join you in romantic union* on the one hand, and *having a claim of justice against others to have the opportunity to join them in a romantic union* on the other hand. I don’t claim trans persons have a claim of justice to join people in romantic unions. Surely that requires their consent. But I *do* claim that where trans persons have been unable to pursue romantic unions because of their pre-transitional embodiment, they are entitled to an opportunity to ‘try again’, as it were, in their post-transitional bodies.²⁷ This is relevant if, for example, there’s an otherwise ‘no dating’ policy in heaven, and trans persons were reluctant to date certain people in their earthly lives because they feared trans-rejection or because they felt uncomfortable dating in a body that felt foreign to them. For these trans persons, a ‘no dating’ policy denies them opportunities that were previously unreasonably difficult for them to pursue, given the realities of trans oppression.

C8.P58 A third and final objection is worth exploring at some length. Some philosophers defend the view that a fully just society will necessarily lack the genders

²⁷ That is, they are entitled to a society in which romantic or sexual unions are *possible* (i.e., not disallowed or prevented by Gaia), though not entitled to romantic or sexual unions themselves.

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‘man’ and ‘woman’ as we currently understand them. For example, Sally Haslanger defends this view (2000: 39; 2012: Chs. 7–8). The general concern is that because the two dominant genders are a means of oppressing individuals, their presence is unjust. Along with others, I dispute Haslanger’s view in the present context (see Yancey 2019). The entirety of what I have argued in this chapter is that justice *requires* the persistence of gender in the afterlife, at least for trans persons.²⁸ Without gender, trans persons wouldn’t be able to transition or appreciate the benefits of their transitioning. Nor could their oppressors treat them as equals *as* the persons they are. For example, trans men who were bullied for dressing as women can’t have this wrong righted by avoiding gendered appearance altogether. But nothing I have argued in this chapter requires that trans persons enjoy gendered embodiment forever. That is, my arguments entail that gender persists in the afterlife, but not that it persists *indefinitely*. There may, in fact, come a day when justice is fully satisfied and trans persons no longer desire any kind of gendered embodiment. On that day, perhaps gender as a marker will end and gendered inequality will die with it. But until then, gender must persist if justice is to be done.

C8.S5

5. Conclusion

C8.P59 This chapter began with a lamentable fact: Life is bad for trans persons. It is, bluntly, a hellhole for us. One hopes the afterlife is more heavenly. I then turned to grounds for hope. If there is an afterlife and a just Gaia managing it, matters will improve dramatically for trans persons. While my defences are speculative, so is much of philosophical theology. Trans people need theologically grounded hope as much as anyone, and there is presently so precious little of it to go around. This chapter aims to bring an end to such scarce hope.

C8.P60 First, I argued that embodiment is important, even crucial, to justice in the afterlife. One clear example of this is the case of trans persons such as Kai, who lacked reasonable access to opportunities to transition before their deaths. Because these persons were dysphoric, they were (and are) entitled to an opportunity to transition, and particularly because Gaia is primarily responsible for providing such opportunities, Gaia will do so in the afterlife. Moreover, Gaia’s doing so is a matter of justice. There are two possible ways of correcting the dysphoria. First, Gaia might alter a dysphoric person’s thinking so that they come to identify with the physical body they have (i.e., make them cisgender). This is problematic for metaphysical and ethical reasons. First, it’s doubtfully possible to alter a person’s gender identity. Second, doing so would effectively make everyone cisgender, thereby erasing trans persons altogether, which is itself wrong. Third, we should

²⁸ Trivially, if trans persons are gendered in the afterlife, then gender is not entirely eliminated in the afterlife.

privilege features of a person's agency over features of their physicality, particularly when those features are endorsed by their agency and others aren't (or, worse, are *rejected* by the agent), implying that Gaia ought to alter a dysphoric trans person's physical body.

C8.P61 Second, I defended the view that those responsible for the unjust plight of trans persons with gender dysphoria ought to make things right in the afterlife. Since I focus specifically (but not exclusively) on trans persons for whom transitioning is the best solution to their dysphoria, I argued that trans persons should be given an opportunity to transition and that Gaia should ensure that transphobes and those reinforcing cisnormativity assist with the transitioning process, provided trans persons don't object. There are justice-based reasons to prefer that transphobes repay their trans victims directly, and transitioning is a direct means of repayment—and, when accepted by trans persons, *the* direct means of repayment. The afterlife, fortunately, is a place where Gaia executes perfect justice. It's not a place run by transphobes or their sympathizers. Thus, transphobes will not escape justice in the afterlife, but will face it. By conscripting their services, Gaia doesn't wrong them, since Gaia merely forces them to meet the requirements of justice. And since Gaia is *themselves* partially responsible for the actions of transphobes, it's incumbent *on Gaia* to ensure their full participation. This is further reason to believe that Gaia *can* do so: If Gaia couldn't, then Gaia would have created a world in which justice for trans persons was foreseeably impossible, and that's incompatible with Gaia's perfectly just nature.

C8.P62 Thirdly, and finally, I claimed that trans persons, upon transitioning, would be provided by Gaia and heavenly society with further opportunities to pursue activities and experiences denied to them during their earthly lives. Among these are opportunities to procreate in the bodies they identify with, to pursue new love as fully transitioned individuals, and to pursue again the partners they lost (directly or indirectly) because of their trans identities. Contrary to what some might expect, this means that heaven will be far from genderless. It will be a society in which people celebrate and explore the kinds of gendered embodiment they were unjustly denied during their earthly lives.

C8.P63 Heaven, therefore, is a place for trans persons. It is a place they are enabled to be their true selves 'from the inside out', as it were: with bodies that cohere with their identities. The transphobic swords they long suffered under shall be beaten into transphilic plowshares, and they shall never know oppression again.²⁹ They will be loved, and free to love, forever, in the ways they always desired. Their hearts will be full.³⁰

²⁹ I draw this from the book of *Isaiah*, chapter 2, verses 3 and 4.

³⁰ This paper was first presented at the 2018 Logos Workshop on 'Race, Gender, Ability, and Class: Expanding Conversations in Analytic Theology' at the University of Notre Dame's Center for Philosophy of Religion. My thanks to Craig Bacon, Michelle Panchuk, Michael Rea, Thomas Senor, Teri Merrick, Robin Dembroff, Tim Pawl, Lindsay Whittaker, and others present at the workshop for their insightful comments.

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