

Transphobic legislation and the linguist: The case of Florida's Subsection 3

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Abstract. This paper joins critical sociolinguistic approaches to the law by examining legislation limiting trans-affirming language use, especially in schools, with a focus on Florida Statute §1000.071. Subsection (3) of this law prohibits most transgender teachers from sharing their pronouns with students. The analysis begins by extracting the linguistic claims made in legal defense of §1000.071: 1) that it is “false” to refer to a trans woman as *she* or *Ms.* because pronouns function to categorize humans according to “biological sex” (as the state defines it); and 2) that children will be confused and their educations disrupted if trans teachers are allowed to share their pronouns. An in-depth review of linguistic research demonstrates that Florida’s assertions about how pronouns work are incorrect, and the discussion addresses some of the ways linguists might be both implicated in the transphobic ideas about language promoted by Florida’s government and well-positioned to support trans communities at a time of escalating institutional transphobia.

Keywords. language and law; transgender language; censorship; transphobic language; language in schools; linguistic advocacy

1. Introduction. Language is central in the crafting, interpretation, and application of the law, and linguistics has been applied to legal contexts in a variety of ways. Building on critical sociolinguistic approaches to language and law like Baugh (2018), Bucholtz (2009), Ehrlich (2019), Hutton (2017), Rickford and King (2016), and Wright (2023), among others, this paper focuses on recent attempts to legislate against the use of trans-affirming language in public schools in the U.S. state of Florida. I address a series of linguistic arguments made by the state in legal challenges to this legislation, which center around the idea that gendered pronouns (and titles¹) constitute a truth claim about the referent’s “biological sex,” as defined by politicians in service of overtly transphobic ideologies.

The material presented here is based on work undertaken for the amicus curiae brief filed on behalf of the Linguistic Society of America in July, 2024 (Amicus Curiae Brief 2024), for which I was the academic author. The discussion below provides a much more comprehensive view of linguistic failures in the Florida law, its implementation, and its defense, beginning with the question of whether pronouns exist to categorize people according to sex characteristics present at birth, then moving on to a secondary argument Florida makes, which is that trans pronouns are too confusing, distracting, or disruptive for children to be exposed to them at school. I conclude with a brief discussion of how linguistics can help challenge attempts to legally enshrine transphobic language.

* I want to express my appreciation to Will Hayworth and members of the Trans Research in Linguistics Lab for conversations regarding the ideas in this piece. I am also grateful to the attorneys and staff at Kramer Levin Naftalis & Frankel, LLP for their work drafting the amicus curiae discussed in this paper. Any remaining shortcomings are my own. Author: Dr. Lal Zimman, University of California, Santa Barbara (zimman@ucsb.edu).

¹ The law and the legal filings I analyze here lump together gendered pronouns and gendered titles, despite their linguistic differences; I will focus on gendered pronouns first and then turn to gendered titles.

2. Trans people, language, and law. Unfortunately, transgender communities are no strangers to material and discursive violence, institutional exclusions, or systemic mistreatment. In the United States, the 2010s were a decade of enormous growth in support for and interest in affirming trans people and identities, including through language. But we have now seen a major backlash that manifests through transphobic harassment, violence, and legislation. In 2024, 43 states introduced 671 transphobic bills (Anti-Trans Bill Tracker 2024), many of which target youth and trans-affirming language use in schools. The LSA’s Statement on Legislating Pronouns (Linguistic Society of America 2023) summarizes and condemns these laws, which range from prohibiting teachers from using their students’ self-identified pronouns to requiring that schools report to students’ parents or guardians if they present as trans at school. This paper focuses on legislation enacted in Florida, and specifically a provision currently under legal challenge in the Florida Education Code §1000.071 (2023) based on the restrictions it places on school employees’ speech. Until recently, misgendering has come up in legal contexts primarily in relation to whether people can be compelled by their employers or schools to use a trans person’s pronouns if their personal preference is to misgender trans people. But we’re now talking about laws that prohibit the use – or even mere discussion – of trans people’s pronouns: a form of government censorship that explicitly and intentionally targets transgender individuals.

As the analysis below demonstrates, lawmakers’ furious attempts to curtail trans people’s legal rights and public recognition is motivated not by a coherent stance on language, or even a coherent political ideology. Instead, it represents one of many attempts to follow through on the call made by far-right commentator Michael Knowles at the 2023 Conservative Political Action Conference that “transgenderism must be eradicated from public life entirely” (Cooper 2023). As distressing as all of this is, it is important to note that these efforts would not be seen as necessary by transphobic extremists were it not for the advancements made by advocates for trans-inclusive language and general inclusion of trans people in public life.

3. Background on Florida’s 2023 Pronoun Laws. In the 2023 legislative session, the Florida House of Representatives passed House Bill 1223, which amended the state’s education code to limit discussion of gendered forms of reference and address in public schools. Florida Statute §1000.071 contains five subsections, the most relevant of which for this discussion are the first and third, which are reproduced in (1a-b):

- (1) a. §1000.071(1): It shall be the policy of every public K-12 educational institution that is provided or authorized by the Constitution and laws of Florida that a person's sex is an immutable biological trait and that it is false to ascribe to a person a pronoun that does not correspond to such person's sex. [...]
- b. §1000.071(3): An employee or contractor of a public K-12 educational institution may not provide to a student his or her preferred personal title or pronouns if such preferred personal title or pronouns do not correspond to his or her sex.

Subsection 1 defines “a person’s sex [a]s an immutable biological trait” and says that “it is false to ascribe to a person a pronoun that does not correspond to such a person’s sex.” This subsection also contains exceptions, omitted here, to which I return below. Subsection 3 then prohibits school employees from “provid[ing] to a student [their] personal title or pronouns” if they are seen as “not correspond[ing] to” (or, elsewhere, “incongruous with”) their sex, as just defined.

In late 2023, the Southern Poverty Law Center (SPLC) filed suit against the Florida Department of Education and State Board of Education as well as several local school boards on behalf of Katie Wood and two other teachers in the state (Complaint in Katie Wood, Jane Doe, and AV

Schwandes v. Florida Department of Education, et al. 2023). As the initial complaint explains, Ms. Wood is a transgender woman who had previously introduced herself to students as Ms. Wood and as using *she/her* pronouns, which she was no longer permitted to do after the institution of §1000.071. In the district court case, the SPLC successfully argued that Subsection 3 is an unconstitutional infringement on school employees’ first amendment right to free expression. The state has appealed the decision to the 11th Circuit of the United States Court of Appeals, the outcome of which is still pending as of January, 2025.

In its appellate filings, the state argues that teachers’ first amendment protections are outweighed by the state’s interest in the way schools teach about “biological sex,” which state attorneys claim is undermined by allowing trans people to state their pronouns.² Their arguments are thus rooted in a key assumption that gendered pronouns function to index biological sex – to the extent that it is “false” to use them otherwise. The state also asserts that trans people use so many different kinds of pronouns that children will be confused if trans people are permitted to state their pronouns; pronoun corrections are characterized as a “disruption” (Appellants’ Brief, 2024: 3, 16, 49) of learning so severe that the state needs to prevent even the *potential* for those corrections to take place (*ibid.*, 51) – but only if the person who has been misgendered is trans.³ Finally, the state appellants claim that a transgender teacher stating their pronouns implies that the school endorses transgender identities, or at least the use of trans people’s self-identified pronouns.

The only “evidence” (generously construed) used to support these claims comes from selectively quoted dictionary definitions in the state’s appeal filings; a single instance of misgendering within the case’s proceedings; and an unsourced assertion by a lawmaker who backed HB 1223 during its debate on the floor. We can take on these claims, beginning with the question of whether gendered pronouns must necessarily index “biological sex” (however that notion is understood) and moving on to the issue of whether we can expect students to be confused by the discussion of trans pronouns or the existence of more than two types of third person singular pronouns.

As a caveat, the discussion below is focused on the use of binary pronouns by trans women and men, and particularly the applicability of feminine forms to trans women, since a trans woman has been the focus of this case. The SPLC’s case does not address the validity of singular *they* per se, but instead makes a more basic argument that, once made, is easily extended to trans and non-binary people’s use of singular *they* as well as *she* and *he* pronouns.

4. Do gendered pronouns constitute a claim about the referent’s biological sex? The first question to consider is whether gendered pronouns constitute a truth claim about the referent’s biological sex. There are several ways that the workings of language would lead us to be skeptical of this idea: 1) languages vary greatly in whether and how gender is grammatically encoded; 2) languages tend to index social, rather than purely physiological, characteristics; 3) cross-linguistically, gendered pronouns are frequently used in ways that diverge from Florida’s definition of biological sex; and 4) the pronoun attribution process is sensitive to social information.

² Notably, trans/non-binary people who continue to use the pronouns assigned to them at birth are not prohibited from stating these pronouns. However, this paper treats “trans people’s pronouns” as a phrase of convenience to refer to pronouns that are different from those associated with a person’s sex assignment at birth.

³ A detail that would be amusing, if it were not in such a serious context, is that the state characterizes discussions of pronouns as a distraction from “why we send our children to school in the first place,” which is to learn about “math, English, [and] history” (Appellants’ Brief 2024: 10). Enough with pronouns, kids need to learn about grammar!

4.1. PRONOUN SYSTEMS ARE HIGHLY VARIABLE. Embodied sex differences are found in every society, but languages differ enormously in how their pronouns or agreement structures mark gender, if at all (Corbett 1991; Bliss et al. 2024). This fact alone immediately signals that there is no necessary relationship between sex and pronouns. Many languages have no grammatical marking of human gender, like most members of the Austronesian, Uralic, and Turkic language families, as well as most documented Indigenous American languages. English grammar has relatively little gender, while others mark gender more extensively, such as Afrosemitic languages like Arabic, Hebrew, or Hausa. Additionally, languages may have multiple pronoun options for people of the same gender. Japanese offers a large set of first and second person pronouns, some of which are gendered and others of which are not (Ishiyama 2019). Even in a less open-class system, Mohawk has two pronouns that can both be translated as ‘she’ (Mithun 2014), one of which is reportedly used today for non-binary people (Mithun, p.c.). In short, whether a language contains gendered pronouns does not determine how users of that language understand gender as a social or embodied phenomenon.

4.2. PRONOUNS TYPICALLY INDEX SOCIAL, NOT BIOLOGICAL, INFORMATION. Looking beyond gender, personal pronouns commonly index contextual and social characteristics like formality, politeness, and social distance or intimacy; social or socioeconomic status; community membership; age; and even religious role (Paterson 2024), as opposed to more strictly embodied characteristics like height, face shape, right or left-handedness, or blood type. Furthermore, the core meanings of pronouns are often elaborated upon: in languages with a T/V distinction (Brown & Gilman 1972[1960], *inter alia*), the choice to use a V form (Spanish *usted*, German *Sie*, French *vous*, etc.) is not a true or false claim about whether the person so addressed actually is high status, but rather demonstrates respect by **treating** the person as high status.⁴

4.3. GENDERED PRONOUNS ARE OFTEN USED IN WAYS THAT DO NOT ALIGN WITH BIOLOGICAL SEX. Regardless of how a language’s grammar encodes gender, the use of gendered pronouns in languages that have them can easily go beyond a binary biological status. This is true even without considering the way language is used for transgender, gender non-conforming, or “third gender” communities across the world (e.g., Hall 2002; Borba & Ostermann 2007; Livia 2000), which offer additional cross-linguistic evidence that gendered forms mark social, not biological, roles.

In Mohawk, the choice to refer to a woman as either of the two ‘she’ pronouns – *aónha* or *akaónha* – is explained by reference to social characteristics, not physical ones. *Aónha* is also known as the feminine zoic pronoun, meaning it is used for female animals, but that does not mean that the women referred to with this pronoun are regarded as somehow less human. Instead, Mohawk speakers explained to Mithun (2014) that the choice of which pronoun to use is related to the speaker’s desire to show respect and deference versus endearment and the referent’s perceived refinement, assertiveness, or toughness.

Within the large set of Japanese pronouns said to be gender-specific, there are well-documented cases of normatively gendered women and girls using traditionally masculine first-person pronouns, like *boku* (e.g., Miyazaki 2004).

English has long allowed for the use of *she* pronouns for certain objects, particularly cars, boats, and other conveyances. Similarly, generic *he* may be used in reference to women as well as men, as is particularly common in legal contexts.

⁴ Indeed, this is how social prestige is (re)produced interactionally even for those who are indisputably high status based on external factors like income, education, caste, etc.

Finally, Vietnamese has an instructive example as a language where kinship terminology can function as both pronouns and forms of address among non-kin (Ngo & Unsworth 2011). *Anh*, which literally means ‘older brother,’ can be used to address any slightly older man, including by women who are addressing their husbands. This case is important because it shows how a form that could be defined in terms of biological relatedness is unproblematically extended and used for social purposes: to mark affinity or affection in reference to a person who is somehow similar to an older brother, but not biologically so.

In each of these cases, pronoun usage is clearly socially, rather than physiologically, motivated, even where biology might be invoked as relevant.

4.4. PRONOUNS ARE SELECTED BASED ON SOCIAL INFORMATION. The assignment of gendered pronouns in interaction has been shown to be highly sensitive to semiotically meaningful information like the referent’s clothing, hairstyles, names, bodily postures, and so on, rather than their embodied characteristics alone. Speer (2005) shows that people are affected by gender stereotypes in the gender attribution process, such that being shown a picture of a man dancing ballet or a woman playing rugby can elicit uncertainty about how that person should be referred to, even if there is nothing else suggesting that the person might be transgender or gender non-conforming. Arnold, Brown-Schmidt, and Trueswell (2007) found that children aged 3-5 selected gendered pronouns for stuffed toys based on social information like their clothing, not – obviously, but it must be said! – by looking for clues about biological sex. Finally, Bradley, Salkind, Moore, and Teitsort (2019) report on an experiment in which participants read a passage with different pronouns and had to choose a photo they thought depicted the referent, and a significant number of participants made unexpected choices like picking a normatively feminine photo after seeing *he/him* pronouns.

4.5. TITLES. Although they are linguistically distinct, pronouns and titles are treated as equivalent by Florida Code §1000.071. In their appellate filing, however, Florida’s state attorneys make a separate argument about titles. Specifically, they claim that allowing a trans woman to ask to be referred to as *Ms.* is comparable to asking to be called “Governor,” “King,” or “Emperor” (Appellants’ Brief 2024: 30-31). This comparison ignores the distinction between **common titles** and **formal titles**, the latter of which apply to individuals occupying specified institutional roles, meaning the titles are assigned based on the same formally codified characteristics associated with the roles themselves. Taking that into account, requesting to be called *Ms.* rather than *Mr.* is more comparable to being asked to be called *Ms.* rather than *Mrs.* or *Miss.* Both requests are for one common title to be swapped for another, and both are choices that people sometimes make for social and individual reasons.

To explore whether restrictions on titles are truly motivated by linguistic logic, we can consider how the state of Florida might respond if a female teacher who divorces wants to change how her students address her. She might begin to introduce herself as *Ms.* rather than *Mrs.*, and she may even make an announcement to her class about the change. If the change is important to her, she may even correct students who forget to use her new title. Would these constitute unacceptable disruptions to learning? Or, if a teacher continues to go by *Mrs.* and her ex-spouse’s last name after a divorce, would she be making a false claim about her marital status? Would allowing her to introduce herself as *Mrs.* under those conditions mean that the school is taking a stance on the validity of her divorce, or of divorce generally? Is a teacher’s insistence on being addressed with a title that is ‘incongruous’ with her objective, legally defined marital status so confusing that it is harmful to students’ education? The answer to all of these questions is, “Of course not.” When trans people are not involved, it is easy to see that common titles are a way of

demonstrating respect for a person, not a way of marking where people fall in a reproductive taxonomy that requires universally uniform patterns of usage.

4.6. DICTIONARY DEFINITIONS. The only external information the state invokes in the linguistic argumentation within its appeal comes from strategic quotation of two dictionaries. Specifically, they present excerpts from definitions for the words *she*, *female*, and *sex* from the 2010 edition of the *New Oxford American Dictionary* (or *NOAD*) and *he*, *male*, and *sex* from the 1987 edition of the *Random House Dictionary of the English Language* (or *RHDEL*), and argue that using the title *Ms.* and *she/her* pronouns for a transgender woman “directly contravenes the State’s educational policies as well as common English usage” (Appellants’ Brief, 2024: 28).

Linguists would not typically treat dictionaries as authoritative in quite this way, but we can still check the plausibility of the state’s argument by its own standards. As a first line of criticism, we can set aside these dictionaries – one of which is older than *Ms. Wood* herself! – in favor of more comprehensive options like the *Oxford English Dictionary* (online edition, 2024). After all, we are not trying to figure out whether trans women are the **prototypical** referents for pronouns like *she* and titles like *Ms.*, but whether it is “false” to refer to a trans woman with these forms, as Florida statute contends.

The appellate filing quotes *NOAD* as:

defining ‘she’ as a pronoun ‘used to refer to a woman, girl, or female’; ‘female’ as ‘denoting the sex that can bear offspring of produce eggs, distinguished biologically by the production of gametes (ova) that can be fertilized by male gametes’ and ‘sex’ as ‘either of the two main categories (male and female) into which humans ... are divided on the basis of their reproductive functions’ (Appellants’ Brief 2024: 28, omission indicated by ellipses in original)

Similar definitions are provided from *RHDEL*. Yet even the state’s preferred dictionaries present a more complex picture, less rooted in the notion of biological sex, than these strategically selected excerpts imply.

For example, the *NOAD* entry for “female” has a second definition: “related to or characteristic of women or female animals” and *RHDEL* makes reference to “females,” “women,” and “anything considered [...] to be feminine” in its definition of *she*. If we turn to the *OED*, the definitions for *she* reference a “woman or person of the female sex” (def. II.5.a), allowing for the non-equivalence of these categories. All three of these sources allow for the possibility that people who are feminine, or who share characteristics with “women” (however defined) can also be called *she*; some of the definitions also address the personification of inanimate objects as potential referents for *she* pronouns.

Beyond allowing for the possibility of trans inclusion, several other *OED* entries offer more explicit validation of the appropriateness of referring to trans women with forms like *woman*, *she*, and *Ms.*⁵ The first is the presence of *trans woman* in the list of derivations for the word *woman*, with the text reproduced in (2).

(2) *woman*, derivations (*OED*):

trans woman, n. 1994–

A male-to-female transgender or transsexual person. Cf. trans person, n.

⁵ Similar points can be made regarding the use of *he* for trans men, but feminine forms of reference are used as examples because of their relevance to *Ms. Wood*.

Similar derivations in the *OED*'s entry for *woman* include *wise woman* (1382-), *spokeswoman* (1654-), *businesswoman* (1827-), and *point woman* (1984-). These are all types of women, not types of "biological males," as the state likes to characterize trans women. The examples of usage in the entry for *woman* also includes an example that explicitly refers to trans women, shown in (3).

- (3) *woman*, usage example (noun, def. I.1.a, *OED*):
2000 Having trans women involved added so much to the breadth of understanding what it means to be a woman.
*Out*⁶ August 51

The *OED*'s entries for *transgender* and *transsexual* similarly offer examples where trans women are referred to as *she* or *Ms.* by non-LGBTQ news sources, as (4) and (5) illustrate.

- (4) *transgender*, usage example (noun, def. 1, *OED*):
1979 Jorgensen says she knows of some male-to-female trans-genders who have settled into lesbian relationships.⁷
Kenosha (Wisconsin) *News* 17 October 9/4
- (5) *transsexual*, usage example (noun, def. 2.a, *OED*):
1999 Ms Beyer is a trans-sexual woman, and has been since her sex change operation in 1984.⁸
Manawatu (New Zealand) *Standard* (Nexis) 9 October 2

Finally, the *OED* has an entry for the verb (*to*) *misgender*, which appears as (6). *NOAD*'s online edition (2015) offers a similar definition, which is in (7).

- (6) *misgender* (verb, def. 2, *OED*):
Transitive. To mistake or misstate (a person's) gender; *esp.* to address or refer to (someone, *esp.* a transgender person) in terms that do not reflect the gender with which that person identifies.
- (7) *misgender* (verb, def. 2, *NOAD*):
refer to (someone, especially a transgender person) using a word, especially a pronoun or form of address, that does not correctly reflect the gender with which they identify:
various media outlets have continued to misgender her.

Even where dictionary entries for pronouns do not explicitly reference trans people, the definitions given for other words support the idea that *she* applies to transgender, as well as cisgender, women.

Returning to titles, the *OED* entry for *Ms.* includes the definition in (8).

- (8) *Ms.* (def. 1, *OED*):
A title of courtesy prefixed to the surname of a woman, sometimes with her first name

⁶ As an LGBTQ magazine, we can assume that *Out* is using the phrase *trans women* to refer to women who were assigned male at birth.

⁷ Jorgensen refers to Christine Jorgensen, a trans woman who in the 1950s was one of the first Americans to transition publicly.

⁸ This example of usage suggests that one becomes a transsexual woman by having genital surgery, which is out of step with current norms for trans-inclusive language (e.g., Zimman 2017; Konnelly 2021). However, this distinction is irrelevant to this case since the state of Florida maintains that sex is fixed at birth and does not differentiate trans people based on medical transition status.

interposed.

This definition of *Ms.* does reference gender, but it also emphasizes the honorific function of titles rather than treating them as truth claims about the biological sex of the addressee. Pronouns and titles both offer conventionalized ways of indexing social meaning and, cross-linguistically, both frequently encode expressions of respect (Irvine 1992; McCready 2019; Brown & Gilman 1972[1960]; Uckaradejdumrong 2016). Both McCready (2019) and Conrod (2022) have argued explicitly that pronouns function like honorific forms, and Conrod discusses an analysis of Twitter posts that demonstrates that people are more likely to misgender someone when they are taking a negative stance toward that person (2022: 153). Negative attitudes toward trans pronoun use have also been linked to more transphobic views about gender (Bradley 2020; Conrod 2020). We also know that misgendering negatively impacts trans people’s mental health and well-being (e.g., Sevelius et al. 2020; McLemore 2015; 2017), causing not “just” social damage to the individual and trans people in general, but real, medically consequential harm.

Of course, the honorific function of titles is precisely why students are traditionally expected to use such titles when addressing their teachers; it is a form of respect that is arguably negated when the title misgenders the addressee. Notably, Florida’s filings never refer to Ms. Woods as *he* or *Mr.*, instead consistently avoiding all titles and pronouns. I am glad they do not misgender her or anyone else, but it seems telling: if calling a trans woman *she* is false because trans women are “biologically male,” why are they so shy to call a trans woman *he*? Undoubtedly it is because they are aware how disrespectful such a choice would be, and may even be concerned about negative repercussions from the court (the same court they ask to curtail trans teachers’ right to ask not to be misgendered at work) or the public (the same public they are supposed to represent).

A more thorough examination of dictionary-based evidence in this section has supported the conclusion that not only do these reference guides affirm the acceptability of referring to a trans woman as *she* or *Ms.*, but that referring to a trans person with pronouns or a title that is incongruous with their **gender identity** is what is incorrect.

5. Will students be confused? I’ll now briefly discuss the second argument made in Florida’s appellate filing, which is that students will be confused if transgender teachers share their pronouns, in part because there are too many trans pronouns. This is where the second type of linguistic “evidence” is offered by the state in its legal filings, which takes the form of a quote from a legislator who was speaking in favor of the House Bill that established §1000.071. The reference in the filing directs to a video that shows the representative claiming as fact, without evidence, that “there are ‘as many as 78 pronouns that are being used in the general public, also in the school system’” (Appellants’ Brief 2024: 9).

Given what we know about children’s capacities for language learning, the prospect of 78 pronouns isn’t necessarily a problem. Children who learn some of the languages I’ve discussed, like Japanese, do not appear to struggle with being exposed to a larger set of pronouns than English tends to use. And whatever their language, children can learn hundreds of ways of referring to different individuals: first names, last names, nicknames, pet names, kin terms, and titles in various combinations. But this hardly matters, because every indication is that most transgender English users go by *he/him*, *she/her*, and/or *they/them* pronouns, with very small minorities opting for *it* or neopronouns like *ze* (e.g., Trevor Project 2020), and even fewer using the other pronouns this lawmaker might be referencing. Although they do not report on this directly, the OSF supplementary materials for Rose et al.’s (2023) survey data reflect a similar picture. Their survey was on the acceptability of neopronouns and was therefore likely to attract a

disproportionate number of nonbinary people and neopronoun users. When asked what pronouns they go by, 34.2% of the 1,000 respondents chose *they/them* (alone or in combination with others), whereas only 1.5% selected *ze/hir*, which was the most commonly chosen neopronoun set. Furthermore, people who identify most strongly with neopronouns are, more often than not, happy to be referred to as *they/them*, especially in settings like school or work. This context does not diminish the validity of neopronouns, but – realistically speaking – few students in Florida will encounter neopronoun users at school.

The final piece of evidence cited to support the idea that children will be confused is the fact that one of Ms. Wood’s attorneys momentarily misgendered her co-plaintiff who goes by *they/them* pronouns. A mistake that is subsequently corrected is hardly out of step with the way language is normally used, but it is true that learning to use *they/them* pronouns consistently can take practice. Yet the fact that a term of reference might be challenging to use is hardly a reason to ban any discussion of it; if it were, we would also forbid teachers with names that might be difficult for students from ever saying their own names, even when introducing themselves. Moreover, the available evidence suggests that conversations about pronouns and previous exposure to different kinds of pronoun use are associated with greater comprehension of and facility with transgender people’s pronouns, just like unfamiliar names get easier over time. For example, Arnold, Mayo, and Dong (2021) found that explicitly telling someone that a person goes by *they/them* pronouns improves others’ ability to understand the use of singular *they* in reference to that person; this effect was stronger than learning that someone goes by *they/them* pronouns simply by observing others refer to the person as such. To the extent that flexibility with English pronouns and gendered forms of reference represents a real linguistic skill, we might see that as a reason to introduce that skill in school rather than shielding them from it – if the motivation were truly to avoid confusion.

In all, Subsection 3 of §1000.071 is more likely to create confusion than prevent it. The law does not attempt to control how students refer to their transgender teachers, only whether trans teachers can share information about what they want others to call them. As a result, different students may be referring to the same teacher using different titles and pronouns, and trans teachers would not be permitted to clarify the way a cisgender teacher could. Furthermore, the aforementioned exceptions in the definition of biological sex mean that there will still be individuals whose pronouns and physical characteristics do not align in normative ways.

6. Exceptions. Earlier, I mentioned a key exception in the definition of biological sex, which is important because it undermines the foundation of the state’s arguments, namely that pronouns must be direct representations of biological sex. Though Subsection 1 defines sex as “an immutable biological trait,” it also recognizes its complexity by carving out an exception for (some) intersex people. The full language of §1000.071(1) is provided in (9), with previously omitted text in bold.

- (9) §1000.071(1): It shall be the policy of every public K-12 educational institution that is provided or authorized by the Constitution and laws of Florida that a person's sex is an immutable biological trait and that it is false to ascribe to a person a pronoun that does not correspond to such person's sex. **This section does not apply to individuals born with a genetically or biochemically verifiable disorder of sex development, including, but not limited to, 46, XX disorder of sex development; 46, XY disorder of sex development; sex chromosome disorder of sex development; XX or XY sex reversal; and ovotesticular disorder.** [emphasis added]

By making exceptions for intersex people (here, “individuals born with a [...] disorder of sex development”) whose diagnoses can be verified through genetic or hormonal testing, the state tacitly acknowledges the fact that the English pronoun system is insufficient to reflect the ways biological sex naturally manifests in humans (Fausto-Sterling 2000). If pronouns existed for the purpose of categorizing people based on sex characteristics or reproductive capacity, rather than being **part of the social construction of sex/gender as a binary system**, we would expect to have at least one additional pronoun for people whose sex at birth is neither strictly female nor strictly male – possibly several more. Furthermore, intersex people illustrate the social basis of gender and pronoun assignment: even if a child is born with an ambiguously sexed body, they will still typically be assigned either as female or male and raised in that gender role, including being referred to with either *she/her* or *he/him* pronouns, respectively (Kessler 1998). This choice is not made only on the basis of sexual characteristics at birth, but as a prediction of the child’s likely future gender identity. When this prediction is wrong, the intersex person may also identify as trans because they do not identify with the gender assigned to them at birth.

The exception seriously undermines the state’s claims that discussions of gender pronouns and titles is inherently distracting, confusing, or harmful; if they were, the restrictions on talking about pronouns would apply to everyone, not just trans people who lack an intersex diagnosis. What the state of Florida may not know is that it is not uncommon for intersex people to identify as trans; to seek body modification motivated by their internally-felt gender identity; or to have a gender identity that cannot be divined based on secondary sex characteristics. In practice, some intersex people are indistinguishable from dyadic (non-intersex) trans and non-binary people. Perhaps the state is skeptical that intersex people exist in large enough numbers to become teachers, or perhaps they expect anyone with an intersex diagnosis to carry too much shame to be open about it at work, but the same may have been imagined about transgender teachers in the not-so-distant past. If §1000.071 allows (certain) intersex people to go by any pronouns or title, to state their pronouns and titles when introducing themselves, and to issue corrections to remind students how they should be referred to or addressed, it is hard to fathom why the same practices would be insurmountably problematic and disruptive when taken up by trans people who aren’t intersex.

7. The role of linguist(ic)s. Having unpacked the state of Florida’s linguistic argumentation in support of §1000.071, we can now shift to thinking about how linguists might contribute to the fight for linguistic justice for trans, non-binary, and gender non-conforming youth.

Research is the first domain in which linguists can have greater influence in attempts to silence or eradicate trans-affirming language. While conducting research for the amicus brief filed on behalf of the LSA, it was difficult to find research that explicitly dealt with questions like “Is it false to refer to a trans woman as *she*?” because this is, in a variety of ways, a ridiculous research question to ask. First, personal pronouns could be said to **presuppose** something about the identity of the referent, but they are not generally understood as containing propositional content that could be considered true or false. More to the point, the content of those presuppositions is a matter of social convention rather than objective truth. Communities of language users together decide, in an emergent fashion, how pronouns may be used and understood, and there is no one standard in how they can be used (even English *he* and *she* follow different patterns in whom or what they can be applied to). We should be wary of allowing transphobia to dictate our scholarly agendas, but linguists should also not shy away from addressing ridiculous claims if the alternative is to allow bad faith actors to construct purportedly linguistic arguments to support their ideological transphobia, with no real input from language experts.

A second area of intervention concerns the way linguists talk about language and the place of linguistic (in)justice in our discipline. Our choices in this respect can have profound consequences for vulnerable communities that are actively under attack. Many linguists, for instance, continue to contrast grammatical gender with the notion of “natural gender,” or even “biological gender [or sex],” despite decades of calls to abandon this language in favor of terms like “notional gender” or simply “social gender” (Curzan 2003; McConnell-Ginet 2014). For some, *natural* means something more like “logical” or “semantically-based,” in contrast with the conceptually arbitrary gendering of inanimate objects in most languages with grammatical gender. This interpretation is supported by the fact that some linguists talk about animacy-based noun class systems as a form of “natural gender” (e.g., Kramer 2015) despite cross-linguistic and cross-cultural differences in what can be considered (in)animate. Non-socially-oriented linguists may not see the innate value in reshaping our professional language to be more inclusive or ethical, especially when it feels like taking a political stance. But they can hopefully understand that the ability to cite countless linguists describing English as having a “natural gender” system, or worse yet one based on “biological sex,” provides active support to an extremist political movement seeking to deny trans people’s gendered self-determination by imposing their own understanding of those terms (i.e., where sex is seen as binary, fixed at birth, and completely non-agentive).

We also need to ensure that research on trans language is accompanied by realistic appraisals of the contexts for those practices, including the barriers that trans people frequently encounter. Trans linguistics has rightly focused on celebrating trans language and the linguistic creativity in which trans communities engage, but we must also be mindful of the way that work could be misused. At one point in my research for the Florida case, I discovered an article by Miltersen (2016) on a survey regarding the use of a subtype of completely open-class neopronouns known as “nounself pronouns.”⁹ The 134 survey responses Miltersen analyzes resulted in 78 distinct pronominal paradigms – the same number mentioned in the Florida legislature’s debates over HB 1223. We cannot be certain that this number came from Miltersen’s research – nor, if it did, could Miltersen be in any way responsible for the misuse of those findings (my own research could easily be appropriated in the same way). However, the situation in Florida demonstrates the importance of attending to the broader context of linguistic creativity. Documenting and validating the use of neopronouns is critical, but so is contextualizing pronominal creativity. Among trans people – who make up just 0.6% of the U.S. population according to Herman, Flores, and O’Neill (2022) – only a small minority use neopronouns, and only a small minority of neopronoun users identify exclusively with neopronouns to the point of finding all other pronouns (e.g., *they/them*) unacceptable. Neopronouns are most frequently used online and/or in trans-specific spaces, and even people who introduce themselves with neopronouns in those settings may not do the same in every context. The idea that we are setting off on a pronominal slippery slope is a misguided one, even as we make space within our communities to valorize these trans language innovations.

Of course, doing research in this way is only impactful if we take it beyond linguistics. Zimman (2024) argues that the success of trans-affirming language activism further depends on the formation of intersectional coalitions for sociolinguistic justice. The way language impacts trans people is not unique, and many communities experience similar forms of linguistic subjugation, such as being denied the autonomy to name themselves or the right to have their language

⁹ “Nounself pronouns” use a common noun as a pronominal form and are so-named because their inflection includes the addition of *-self* to create reflexive forms (e.g., *fae/faer/faeself*, *bun/buns/bunself*, *sprout/sprouts/sproutself*, etc.).

represented in public contexts. Linguists need more expansive models for public advocacy work that supports for linguistically marginalized communities in ways that recognize our individual positionalities in relation to those issues. Community members must lead these efforts without being saddled with all of the labor, and focused advocacy work should build on more widespread conversations about language and power.

8. Conclusion. Informed by the production of the LSA’s 2024 amicus curiae brief, this paper has offered a more in-depth summary of the linguistic, logical, scientific, and ethical problems with Florida Education Code §1000.071 and its defense in court. Florida’s state attorneys make weak arguments about pronouns and titles, with little-to-no linguistic evidence and which are easily refuted through a careful review of the literature on forms of reference like pronouns and titles. Following the 2024 presidential election and the start of Donald Trump’s second term, we have already seen the escalation of states’ attempts to erase trans people and institutionalize transphobic ideologies and language alike. Linguists must be prepared to join the resistance, to be informed about the stakes of these battles, and to dedicate our expertise to protecting trans people – especially trans children and youth.

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