



**JOURNAL OF
THE INTERNATIONAL
NETWORK FOR**

SEXUAL ETHICS AND POLITICS

**SPECIAL ISSUE
2020
ISSN 2196-6931**

Barbara Budrich Publishers



INSEP – The Journal of the International Network for Sexual Ethics and Politics
Special Issue 2020
ISSN: 2196-6931

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Publisher

Verlag Barbara Budrich GmbH, Stauffenbergstr. 7, D-51379 Leverkusen-Opladen, Germany, Tel +49 (0)2171 79491 50, Fax +49 (0)2171 79491 69, E-Mail: info@budrich.de

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Introduction to the Special Issue: Positive non-binary and / or genderqueer sexual ethics and politics

Lucy Nicholas

Keywords: non-binary; genderqueer; queer ethics; backlash; gender affirmation.

Gender fluidity, genderqueerness and non-binary gender are increasingly embraced and visible and offer exciting new ways of understanding gender, the self and others. There is certainly not consensus on what they mean, which can be seen as a strength. Some trans exclusionary ‘gender critical’ or ‘radical feminists’ labour under the idea that these identities, and the option of rejecting binary genders, are a threat to women and girls’ rights and at odds with feminism. While popular discourses have often been either celebratory or adversarial and aggressive, much academic work on this topic thus far has, importantly, been from the fields of psychology (see Barker & Richards 2015) or health (Smith et al. 2014), centred around monitoring and overcoming the negative: discrimination, health issues, violence. As Armitage puts it in their contribution to this special issue ‘academic narratives mostly position trans and queer people, especially youth, exclusively in terms of victimhood and of needing help’. Some of this is for good reason: urgency of protecting the most vulnerable, framing research for funding, and evidencing the need for services. Recently there has been somewhat of a shift to more positive works (Iantaffi & Barker 2019; Nicholas 2019). Given this context, this roundtable and special issue sought to respectfully and productively discuss the positive aspects of these approaches to gender, in particular what they might mean for sexual ethics and politics, and how they may be enabled and affirmed more widely.

Even where the contributors herein do focus on risk and critique, it is not as outsiders considering their objects of study with the cold rationality of positivist social science or the abstract metaphorical speculation that philosophy has recently applied to issues of gender diversity and transness. Additionally, the ‘objects’ of study are not the individualised or pathologised gender diverse person as in many studies in the psychology paradigm that is focused on individual risk or resilience. Instead, as Vivienne points out in this issue, all contributors in different ways demonstrate that ‘these “risk factors” are the result of discrimination, not gender-diversity itself,’ something that Walsh & Einstein perhaps take the furthest herein, proposing a biopsychosocial model for understanding dysphoria discussing the social, not individual, contributors to dysphoria. This special issue tries to distance itself from the generalising, authoritative, masculinist tone of some of the polemics thrown at trans and gender-diversity issues in recent times, where they are used as allegories and abstract

talking-points, to consider social, political and ethical realities of genderqueerness and non-binary gender and people themselves.

Often non-binary and genderqueer are wheeled out and used as symbols of generalisable doom or progress in media or by commentators. They were leveraged in the anti-marriage equality campaign in Australia as symbols of the downfall of traditional values that marriage equality would harken. They are written about in magazines as symbols of the end of gender, and a gender free future (Marsh 2016), or of either millennial progressiveness (Risman 2018) or millennial apolitical individualism and self-obsession or snowflake fragility (Murphy 2017). Whilst we did not want to contribute to universalising discourses like this, where totalising conclusions are made about what they mean, what they are, and their implications, we also didn't want to shy away from the political and social analysis we are doing and thinking, and we didn't want to feel shut down by this historical instrumentalising of them by wider society and discourse. Instead, this is intended to be a space where these things are written about by queers for queers, and in that way it represents a diversity of perspectives of queer folk themselves. None of us represent *the line* on these issues, but we have presented pieces that start a dialogue or enter a dialogue about how we might understand the ethics and politics of non-binary and genderqueer. This is always done, however, with the understanding that these are lived things, and lived by the contributors to this issue.

Instead, in many ways the papers collected here represent systematic versions of the political and ethical musings and conversations we have among ourselves, outside of academic studies and our jobs or roles. About why the backlash is happening in the ways it is and why non-binary and genderqueer seem to be particular targets; about what expansions and dissolutions of gender might mean for sexuality and sexual identity; about how body modification can be understood in ways that don't reinforce binaries. This introduction will briefly touch on some of the key themes that recurred in the contributions, and end with an unapologetic list of normative¹ ethical and political statements that I have called (somewhat tongue-in-cheek) a 'person-ifesto.'

'Gender obsessives'

The use of non-binary and other proliferated ways of understanding gender have been charged by some critics with merely emphasising gender and making it more central to identity and the social world. Non-binary philosopher Robin Dembroff recounts how 'Unreflective critics like to accuse people like me of being "obsessed" with gender' (2018). An ontologically simplistic argument would be that we would be better to downplay gender rather than bringing it up so often, being so gender obsessed. For me, and I suspect many of the other contributors, this 'gender-blindness' is naïve. Coming from more sociological perspectives and demonstrating astute anal-

¹ 'Something is said by philosophers to have 'normativity' when it entails that some action, attitude or mental state of some other kind is justified, an action one ought to do or a state one ought to be in' (Darwall, 2001)

yses of how identity works beyond the individual (either with a social understanding of linguistics as with Jas, socio-cultural premises as with Armitage, politically as in Nicholas and Clark, biopsychosocial foundations as with Walsh & Einstein or legal and social as in Vivienne), many of the papers emphasise the importance humans place on categories and distinctions. Indeed, demonstrating the disciplinary power of social categories, Walsh & Einstein cite the ‘tendency to categorise’ alongside cissexism in their diagnosis of all genital surgery (including FGC and gender affirmation) as about instantiating gender. In the words of Judith Butler, gender is one of ‘the conditions of intelligibility ... by which the human is recognised’ (2001: 621). Thus, many of the papers, unsurprisingly, interrogate the ‘unintelligibility’ of such identities or ways of understanding the self and others and apply this to different arguments. For example, Walsh & Einstein take this premise to make the argument that, as long as cissexism imposes the compulsarity of gender, we have an ethical obligation to affirm a person’s felt or chosen gender, including by surgical means. Similarly, Nicholas & Clark argue in their account that it is important to wield non-binary and genderqueer as categories in a world that cannot imagine getting past gender. The papers here are not simple for/against, but careful considerations of the lived realities of gender and its social, cultural, institutional, interactional, linguistic, legal and technological contexts. Thus, in many ways the contributors are undertaking the feminist task of ‘using gender to undo gender’ to borrow from Judith Lorber (2000), or engaged in ‘strategic essentialism’ to borrow from Gayatri Chakravorty Spivak (1994). To do so is not to capitulate that non-binary and genderqueer are ‘made up,’ anymore than being a man or a woman is ‘made up.’ Gender can be understood as an ‘inaccurate yet necessary ... philosophical exigency’ (Spivak 1976: xiv). For Spivak who is unequivocally deconstructivist in her thought, there is value in ‘strategic use of a positivist essentialism in a scrupulously visible political interest’ (Spivak 1994: 153). There is a sophisticated capacity in this collection of papers to take a both/and approach. For Walsh & Einstein and Nicholas & Clark, gender identity can be seen as both constructed and valid or ‘real,’ and for Ynda Jas,

Specificity can create visibility for alternative ways of being, which is perhaps the first step to (positively) normalising variety and diversity, while queer or similar terms perhaps have a place as the ‘it doesn’t matter’, ‘be what you want to be’ ideal.

Ethico-Political

Given the ontological implications outlined above, then, non-binary and genderqueer *are* political, they cannot help but be so in a world in which they lack power, where gender is so imbued with power, in a world where sexual politics is part of our existence and shapes our being in the world. They are being politicised anyway, and this is a small attempt to reclaim some of that politicisation, and philosophical and ethical speculation and allegorisation that has been imposed on them.

In this context, Luke Armitage offers a compelling account of the mechanisms that render non-binary genders such a rallying point in anti-trans campaigns, some-

what bravely offering an interrogation of the vehement way that TERFs (trans-exclusionary radical feminists) have opposed trans rights. Interrogating the politics of the Gender Recognition Act backlash, Armitage offers an articulate and astute picture of the contemporary landscape of gender theory and politics as it relates to transgender and non-binary, particularly in the UK. This again is a careful ontological political account, peeling back to the essentialist, and ultimately politically retroactive, premises of this opposition. This is an intersectional account that offers a compelling feminist, queer understanding of how the gender order and the reification of gender ultimately disadvantages everyone, but especially women and trans and gender diverse folk. Armitage's summary of the complexity of gender underpins a key theme of this entire special issue well,

the determinants of both sex and gender are more complex than simply immutable natural truth or insubstantial social construction and involve the interaction of biological information with historical and social contexts, as well as individual experience.

What distinguishes these contributions from many of the perspectives that have gained currency is their refusal to simplify the complexity of sex/gender/sexuality, and their fronting-up to the political and ethical implications of this without undermining anyone's autonomy. Continuing the sophisticated ontological approaches of the contributions herein, Ynda Jas's paper emphasises the extent to which the definitions and understandings of gender are always bound up with ideas about sexuality. The two, along with the idea of 'biological sex' (Fausto-Sterling 2000) are co-constitutive, given meaning only in their relationality with the other terms in what Butler (1999) has called 'the heterosexual matrix' wherein there is a socially assumed congruence between the 'sex' (M/F) that is assigned at birth based on visual genital identification, the gender that is assigned at the same time on this same basis, and sexuality that is assumed to flow naturally from this as a desire for the 'opposite' sex for procreative purposes. Thus, a variance in any one of these throws the whole model in to disarray or, as so many of our contributors have described it, leads to 'unintelligibility.' This has been used as a foundation for opposing such identities by 'gender critical' commentators, for whom the corollary of deconstructing 'woman' is the undermining of the foundation of political sexual category lesbian. Here, instead, Jas more openly considers the possible corollaries of genderqueerness for sexuality. Are there ways to 'sort' sexuality beyond orientation to a specific sex/gender that might be more instructive? Leaving the negative framing aside, and without having to justify their position, Jas's paper considers new ways of linguistically representing the self and sexuality that better describe how people actually *feel*. How can things be 'reworked and expanded to better reflect the diversity of human experience'? (Jas). Likewise, Vivienne looks at data and categories – metonymic representations – and how they may be creatively played with to 'proliferate' gender categories. Demonstrating the self-reflection throughout these papers (at odds with some popular representations of the 'new gender order' as prescriptive and didactic) they ask, 'can social change be nurtured by simply making new categories available'?

Likewise, I am cautious here of painting us into a prescriptive idea of what non-binary *is*, but it is certain that thinking non-binary or genderqueer has a transformative relationship with politics and ethics. It renders givens unintelligible, like

inclusion, recognition, sexual orientation, political solidarity. And in doing so it asks us to think what politics and ethics may be that are not reifying or based on foundational identities. Will it be like Cohen, cited in Nicholas & Clark, who imagines a politics of shared orientation to power? This certainly speaks back to and potentially minimises some of the single-issue politics that throws others under the bus, as we have recently seen with Australian same-sex marriage campaigns that distanced themselves so explicitly from gender ambiguity and queerness, or that we see time and again with a gay or trans politics of recognition that chooses respectability over solidarity across racial, ethnic, and socio-economic lines.

As such, another salient theme that recurs is that of the tension between ‘inclusion on a liberal level (making small changes within the existing framework) but failure to demonstrate radical inclusive practice (by changing the system)’ (Ynda Jas) particularly in Jas, Vivienne and Nicholas & Clark. For them, there is always an eye to the utopian, the deconstructive, a caution around ensuring identity is a ‘strategic use of a positivist essentialism in a scrupulously visible political interest’ (Spivak 1994: 153). Theirs are perhaps the most explicitly radical queer politics, but all papers hold that, ultimately sex/gender are humyn constructs that constrain us, and in different ways need to be challenged and imagined beyond.

‘liberal approach to inclusion may harm the cause of activists seeking more systematic inclusion’ (Jas).

As such, and echoing Nicholas’s 2019 paper, every single paper in this special issue is political insofar as it places the ‘problems’ faced by non-binary and genderqueer, and thus the ‘solutions,’ outside of individuals. All of the papers ultimately call for some kind of more collective, social, cultural, linguistic, political or legal change that goes beyond liberal inclusion on the terms of cis culture, a key theme of Heath Fogg Davis’s book reviewed in Blase A. Provitola’s review essay. This book, in Provitola’s words critiques ‘the common transgender rights strategy of assimilation and accommodation, which mimics strategies adopted by liberal feminism and gay and lesbian rights organizations, [and] has failed to question the gendered nature of existing structures.’ Likewise, Ward quotes Holly Lewis’s book in her review essay to the extent that ‘queer subcultural practices are simply not inherently anti-capitalist.’ Thus, the more radically utopian. Most explicitly in this collection of papers, Nicholas and Clark consider what non-binary and genderqueer could be like to have feminist queer potential for making spaces of enablement. This is a theme that Vivienne returns to in their firmly visionary and utopian paper, where they consider how we can make ‘flashpoints’ of boundary challenge in a binary world, and Jas asks how we might envision sexuality without gender in a binary model underpinning heteronormative models of sexuality. This utopian edge is thrilling in an academic context where so much work is diagnostic, focused on risk and critique or the agenda is otherwise set by attacks.

What do we, as nonbinary, trans and genderqueer scholars, want the world to be like? Given, then, that this is a journal of ethics and politics, I have gathered together all of our normative (in the philosophical sense of attributing value to things and speculating how they *should* be) statements and hopes expressed throughout this special issue, collected in to a (non-prescriptive, self-reflective, open, and tentative)

‘Non-binary / genderqueer person-ifesto’. The main joy of this special issue has been the permission it has given us to reflect on the should questions.

Genderqueer Utopias: A Personifesto

Affirmation and Autonomy:

- ‘affirmation of all gender identities and transition narratives’ (Armitage)
- ‘gender “proliferations” like non-binary and genderqueer are the most effective and pragmatic approaches to overcoming or dismantling the gender binary whilst also expanding the range of “cultural resources” of gender in the meantime’ (Nicholas & Clark)
- ‘gender identity is a more enabling marker than the imposition of culturally constituted categories of “sex”’ (Nicholas & Clark)
- ‘queer ethics in practice acknowledges the slipperiness between categories and the importance of gently holding a space for self-identification.’ (Vivienne)
- ‘the cultural violence of cissexism² causes trans people to experience (neuro) physiological damage for which medical transition within a framework of individual autonomy is the best and only treatment.’ (Walsh & Einstein)
- ‘freedom of choice and independence from gatekeeping are indispensable’ (Walsh & Einstein)
- ‘Re-framing these debates around the agency of people who are most affected is ... imperative.’ (Vivienne)

Critique:

- ‘an ongoing critique of social norms’ (Armitage)
- ‘it would be politically ideal for these invocations of proliferation to be complemented by ongoing attempts to challenge sex/gender itself.’ (Nicholas & Clark)
- ‘it’s vital to be informed by intersectional perspectives so as not to unwittingly open up the potential for deepening and validating other forms of social prejudice.’ (Jas)
- ‘queer ethics ... based on coalition politics ... mitigates against some of the risks of single-axis politics’ (Nicholas & Clark)

2 Cissexism refers to a system of beliefs and values, dominant in a majority of modern-day cultures, that positions cisgender bodies as more legitimate, particularly as embodied expressions of gender.

- ‘We must begin to regard cissexism (and indeed all prejudices) as an endemic violence’ (Walsh & Einstein)

Expansion of cultural resources and creativity:

- ‘non-binary and genderqueer can be understood as ways to make space in a structure that is not likely to crumble any time soon.’ (Nicholas & Clark)
- ‘recognition and understanding of non-binary “in-betweens” and “in-progress”’ (Vivienne)
- ‘reconstruct transition as a social process of “coming out” as one’s gender, and a radical act of personal and political autonomy, but one which is often distorted by the social processes of cissexism creating or exacerbating dysphorias which call for biomedical intervention’ (Walsh & Einstein)
- ‘Collectively, accommodating “they” as a framework for the multiple, fluid in-betweens, is a small shift in a continuing evolution of how we understand, categorise and name gender.’ (Vivienne)
- ‘work needs to take place both at strategic, identity levels and also at more long-term, structural levels.’ (Nicholas & Clark)
- ‘Rather than relying on a large set of neologisms, we could simply describe in plain terms what we tend to be aroused by (e.g. small, medium or large hips or chest size). Or we could gradually develop the linguistic repertoire while shaping our definition of new terms around the principle that hard boundaries are artificial.’ (Jas)
- ‘Why not just use queer as a catch-all, nuance-recognising (but not detailing) category (or gay, which is increasingly being reclaimed as the new queer)?’ (Jas)

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Explaining backlash to trans and non-binary genders in the context of UK Gender Recognition Act reform

Luke Armitage

Abstract: This paper analyses responses to the 2018 Gender Recognition Act reform consultation in the UK, exploring reasons behind the widespread anti-trans sentiment in this context. It compares the conservative Christian roots of traditional opposition to LGBT+ rights, which is still the major source of anti-trans politics in the US, with the rise in prominence of a specific feminist opposition to trans rights in the last few years in the UK. It then explores why the beliefs of relatively small groups have had such a compelling influence on a wider audience in the general population. It argues that the gendered socialisation we all experience through education, media, and political institutions creates a baseline belief in gender determinism and oppositional sexism, and as many people's main source of information about trans people is the recent surge in related media, a trans moral panic propagated through mainstream and social media easily creates misinformed beliefs about trans issues. A major conclusion of this paper is that trans people have been constructed in the public imagination predominantly in terms of *threat*- threat to investment in gendered norms, threat to one's own gender identity, and for marginalised groups including women and also other LGBT+ people, threat to their own in-group resources and desires for assimilation into mainstream culture. Anti-trans sentiment is therefore not only about ideology, but also has important emotional components that should not be overlooked when considering ways to tackle transphobia.

Key words: trans, non-binary, Gender Recognition Act, moral panic, backlash, transnormativity

Introduction: The Gender Recognition Act (GRA)

The Gender Recognition Act (2004) is the law governing change of legal gender in the UK. Individuals can use the process it sets out to apply for a Gender Recognition Certificate (GRC), which allows the issue of a new birth certificate in their preferred (binary) gender, a change of gender marker with HMRC, and gives the holder some legal protection against disclosure of their assigned gender and trans status. Whilst most aspects of social transition, including changing the gender marker on driving licences and passports, can be accessed through self-definition or a letter from a single medical professional, a GRC is the only way to change your legal gender. This legal gender change is required for a trans person to get married in their preferred gender, and for those old enough to not be affected by the future equalisation of pension ages, to collect their pension at the age relevant to their preferred gender. To be awarded a GRC, an individual must apply to the Gender Recognition Panel with two years' worth of evidence that they have been living in their preferred gender, including multiple medical reports. This process has been criticised as too lengthy,

expensive, and medicalised (Sharpe, 2007; Stonewall, 2018). Thus, the UK Government held a consultation regarding potential reform to this act, from July to October 2018 (Government Equalities Office, 2018). Many trans groups and campaigners called for the act to be replaced by a self-declaration system that includes the option of non-binary genders.

During and after this consultation, there was a significant backlash to trans and non-binary people, with hostility constantly expressed in traditional and social media (Cliff, 2019). Forms this took included the incitement of fear around trans women using women's facilities (e.g. Kerr, 2017; Turner, 2018), as well as mainstream newspaper opinion pieces explicitly denying the validity of trans identities and instead claiming trans people to be predators and/or mentally ill (e.g. McKinstry, 2018). One anti-trans social media campaign successfully convinced the Big Lottery Fund to review their grant to the charity Mermaids, which supports trans children (Persio, 2018); as the claims against Mermaids were found to be baseless, the funding was ultimately upheld (Persio, 2019). The anti-trans media commentary was so pervasive that it was cited as a contributing factor to the demotion of the UK from first (in 2014) to fourth place (2018) in the Rainbow Index, a ranking of LGBTI equality in European countries (International Lesbian, Gay, Bisexual, Trans and Intersex Association- Europe, 2018). The backlash also included a concerted effort by campaigning groups to encourage people to submit anti-reform responses to the consultation, as well as responses that advocated revoking some existing rights of trans people (Fair Play for Women, n.d.; Woman's Place UK, n.d.). It is important to note that contrary to claims by these campaigners against GRA reform, in other countries where the process for legal gender change is self-declaration, such as Ireland, this has not caused issues such as increased sexual assault in (women's) bathrooms (Duffy, 2017).

This article aims to explore the origins and motivations behind this backlash. It compares what could be considered 'traditional' opposition to trans and wider LGBT+ rights from conservatives and religious groups, with the specific anti-trans sentiment from some feminists that has been particularly prominent in this context in the UK. It then discusses why these ideas that may seem to originate in relatively small groups of people have apparently had such a large influence on the general public. It looks at the ways in which trans identities and people have been positioned as threat, including threat to gendered norms, threat to one's own gender identity, and threat to the rights and potential mainstream assimilation of other marginalised groups.

'Traditional' opponents of trans rights

Religion and 'gender ideology'

To begin to set the scene of the current debate, it is worth outlining the influence of religion, and Christianity in particular, in opposition to LGBT+ rights and the origin of this in the construction of the gendered social and family roles on which much of Western society has historically been based (e.g. Elshtain, 1993). Whilst Christianity does not inherently necessitate inequality, certain interpretations of it have been instrumentalised by people in power to justify oppressive laws. This is perhaps exemplified by the weight and credibility given to religious opposition to LGBT+ rights campaigns, such as claims that allowing same-sex marriage would undermine or threaten 'traditional' (heterosexual) marriage (Busch, 2011; McLean, 2017).

This Christian perspective considers dichotomous gender roles- as determined irrefutably by assigned sex- to be dictated by God as truth, and thus movements which advocate gender equality and freedom are deemed a 'gender ideology' which aims to intentionally deny reality and go against God (Butler, 2019). This ideology is thought to threaten values considered 'natural' by the Church, including the hierarchical gender binary (ibid).

The term 'gender ideology' appears to have originated in right-wing Catholic groups that oppose the use of the word 'gender' in governmental documents and policies, beginning with the first use in an inter-governmental negotiation document at the 1994 Cairo International Conference on Population and Development (Corrêa, 2017). These anti-gender groups instead favour use of only 'sex' as the important and apparently natural and binary distinction between men and women, which forms the basis of the traditional family and its associated values. Although originally associated with Catholicism, anti-gender campaigns are supported by various other religious and secular groups, with the latter connected to these ideas through a belief that non-normative families and queer identities contradict the Darwinian laws of nature, rather than divine law (ibid).

Thus, opposition to trans rights in many places, especially the US, has come to be primarily associated with the Christian right (Anderson, 2014; Stone, 2018). Other countries where anti-gender and associated anti-trans ideas are prominent include parts of Latin America such as Brazil, as well as parts of Europe, particularly but not exclusively in primarily Catholic places such as Italy, Spain, and Poland (Corrêa, 2017). In contrast, this article will go on to explore why this does not seem to be the case in the current UK context, where there is strongly mainstream anti-trans sentiment, especially from some feminist groups whose other ideas would seem to completely contradict the conservative hierarchical sex roles advocated by anti-gender groups. I will first delineate the gendered social context, indeed influenced by our religious history, that we all continue to be socialised into through our educational, political, and media institutions. This will demonstrate how the societal reification of gender determinism creates a baseline position in the general public that predisposes them to see trans people as unintelligible and unnatural.

Gendered socialisation and the reification of gender determinism

To establish this gendered social context, I will bring together the work of several gender theorists in order to give an account of the process through which transphobia ultimately arises from the same social structures that naturalise misogyny and homophobia. Firstly, the concept of hegemonic masculinity (Connell and Messerschmidt, 2005) holds that the socially privileged gender performance is an idealised type of masculinity that sits at the top of a gender hierarchy, and is placed in opposition to femininity. I will subsequently refer to this as *classical masculinity*. The exact nature of classical masculinity depends on what is valued by each society. In the current Western context it includes traits such as physical strength, unemotional rationality (contrasted to feminine ‘hysteria’), competitiveness and success, and also privileges whiteness. Importantly, a vital element of classical masculinity is heterosexuality, and thus normative gender and sexuality are inseparable (Butler, 1999); attraction to (only) women is seen as inherent to being a man. Thus, gay masculinity is a salient example of a subordinated masculinity within the gender hierarchy. As such, it joins femininity as a group whose marginalisation is necessary to the maintenance of hegemonic masculinity as a social structure, and the privileges it confers to the classically masculine.

Any deviation from normative gender performance can therefore not be allowed to thrive, as this would be threatening to the dominance of hegemonic masculinity. Thus, gender non-conformity (seen to include homosexuality, trans identity, non-stereotypical gender performance) is punished by other people in what has been termed *category maintenance work* (Davies, 1989), preserving and reifying a male/female dichotomy. Men, in particular, may violently punish non-conforming others because they are afraid of failing to be seen as classically masculine themselves, and thus losing the cultural capital (Bourdieu, 1986) this gender status gives them. Feeling that their own gender identity is threatened, they discriminate in order to differentiate themselves (from the feminine and/or homosexual) (Falomir-Pichastor and Mugny, 2009; Pascoe, 2007).

Gender-based discrimination can therefore be targeted at anyone who does not meet classically masculine standards, and thus can involve both or either traditional sexism, which devalues femininity and femaleness, and oppositional sexism (as coined by Serano, 2007, 2013). Oppositional sexism is the idea that there are only two genders, male and female (also called *binary genderism*; Nicholas, 2019), which are unchangeable and mutually exclusive. This idea delegitimises gender non-conformity and non-binary genders. This position also tends to incorporate gender determinism, which essentialises (binary) gender differences as inevitable consequences of biology (Serano, 2007, 2013), and thus delegitimises trans experiences. Much of this continues to tally with the traditional Christian position described above.

Given that there is objective evidence both of the biological existence of more than two sexes (Ainsworth, 2015) and of the recognition of more than two genders in many cultures across history (Richards et al., 2016), it may not be immediately obvious why binary genderist ideas are so widely and defensively held. However, an answer can be found using a Foucauldian perspective of power (1972, 1980), in which

several different discourses exist, but only one is dominant and thus constructed as ‘truth’. By operating productively and *constructing* subject in its bounds, its nature as a discourse is invisibilised and it comes to be seen as natural and true rather than just one perspective. Regarding gender identity, it is gender determinism and oppositional sexism that constitute the dominant discourse, and thus trans and non-binary identities are constructed as outside of truth- and are socially responded to as such. This construction of only cisgender (non-trans) discourses, and their material embodiment in cisgender *people*, as legitimate has been referred to as *cisgenderism* (e.g. Bartholomaeus and Riggs, 2017). Trans and non-binary bodies and identities cannot be coherently categorised under binary cisgender norms, making both trans discourses and, importantly, the people who they are embodied in, culturally unintelligible (Butler, 2006) to mainstream society. Thus, the freedom with which many cisgender people feel they can oppose trans rights is potentially contributed to by an empathy gap created by the abstraction of trans as a concept from actual trans people, who are not fully conceptualised as human due to this cultural unintelligibility. Trans is positioned as merely an idea, rather than the real cognitive and embodied experience of actual people.

Trans and non-binary people are further disconnected from their full personhood by their primary construction through a cisgenderist lens as pathology, and the dominance of medical narratives that focus on safeguards and transition only as a last resort. This disconnection is exacerbated by the fact that academic narratives mostly position trans and queer people, especially youth, exclusively in terms of victimhood and of needing help (Bryan and Mayock, 2012). This is problematic because it restricts the discourses that both trans people themselves, and cisgender people who respond to them, have access to, thus normalising suffering and invisibilising positive possibilities and agency (ibid). It also may reinforce the common approach of locating the problems faced by trans people within the individual trans person themselves, for example focusing on resilience or internalised transphobia, rather than within societal cisgenderism and systemic transphobia, or in the attitudes of others. As previously argued (e.g. Nicholas, 2019), responsibility needs to shift to the latter, potentially through a combination of deconstructing norms and developing *allophilia*, meaning actively positive attitudes towards differences and the other people that these differences are embodied in (ibid). This allophilia may also encourage bridging of the empathy gap through a focus on the humanity of trans people and how one relates to them as individuals, rather than the theoretical abstract concept of trans identity.

The feminists opposed to trans rights

Now that the gendered social context (into which the GRA reform consultation was introduced) has been established, the specific group and ideological position from which the majority of opposition to reform appeared to come can be considered. The most vocal opponents of GRA reform are anti-trans feminist groups, often called ‘Trans Exclusionary Radical Feminists’, or TERFs. It may initially be considered surprising that people identifying as feminist, and otherwise as advocates of social

justice, would strongly oppose the rights of trans people, a marginalised group. I will therefore seek an explanation first by exploring the context in the history of feminism, and then by highlighting the emotional and psychological responses that lie behind feminist anti-trans sentiment.

Primarily, the main TERF argument is that trans rights are a threat to (cisgender) women's rights, as they do not see trans people as their self-defined gender, but rather as the one they were assigned at birth (R. Williams, 2019). They therefore seek to exclude trans women from women-only spaces and services, on the premise of protection from 'men'.

This comes down to a fundamental disagreement about the definition of a woman, and who can be one. This question has been an important part of feminist thought for decades, with a major split in the 1970s (Hines, 2018). The TERF side of the schism follows older¹ feminist theories that consider the definition of woman to be solely based on biological physical characteristics traditionally considered female, such as the vagina, ovaries, and uterus- and the way that these and the 'female' reproductive capacity have historically been utilised by men in the oppression of women.

Many TERFs reject the gender determinism that is advocated for by both the religious view and the gendered socialisation explored in the previous section, and they claim to do so in the name of feminism. However, they still rely solely on one specific version of social constructionism, ignoring other theoretical developments and more nuanced understandings of gender and womanhood. Ideas are taken from an existentialist social constructionism, as put forward in classic theoretical works such as de Beauvoir's 'one is not born, but rather becomes, a woman' (1997 [1949]) – which establishes a separation between (biological) sex and (socially created) gender (Butler, 1986). Whilst de Beauvoir can be interpreted as not inconsistent with the idea that sex is also socially constructed, the TERF interpretation uses the sex/gender distinction to claim that regarding women's oppression, being assigned the female sex at birth is the only determinant factor in who experiences misogyny, whereas gender is entirely (or 'just') socially constructed and thus unimportant. This can be seen in discourse produced by modern TERFs, for example, 'To be a "woman" is to have been *assigned* the girl/woman social position from birth; subjective identification with that social position is irrelevant and varies wildly' (Hungerford, 2013). This view has also been termed 'gender artifactualism' (Serano, 2013), meaning the belief that gender is entirely a social artefact (and thus assigned sex is primary). Whilst it is commonly argued as a counter to gender determinism, it is problematic in its own sense, and has for example been used to justify forcing children with ambiguous or damaged genitalia to conform to a specific binary gender role (potentially despite their own gender identification), in the belief that this socialisation will lead them to become the externally chosen gender- as in the now relatively infamous John/Joan case (Butler, 2006).

On the other hand, the trans-inclusive side of the split comes from challenges made in the 1970s to the primarily white, non-disabled, heterosexual, and otherwise privileged mainstream feminist movement- challenges to the ability and appro-

¹ Whilst these were early feminist ideas, it is also important to acknowledge that there have been feminists contesting biologically essentialist definitions of sex/gender for quite some time, and that there is in no way a neat generational split separating 'old' and 'new' ideas.

priateness of a privileged subgroup of women dictating the interests of all women (Hines, 2018). The biologically (based on assigned sex) determined definition of womanhood, used to regulate who was allowed into the category of women, was criticised as exclusionary and as being used to justify inappropriate and discriminatory policing of some bodies in order to ‘verify’ their gender- particularly women of colour, gender non-conforming women (which especially affects queer women), and intersex women (ibid). This gender policing, based on physical characteristics and assumed biology, persists today in affecting not only transgender women but also non-normative cisgender women. This is evidenced, for example, by the case of the athlete Caster Semenya, a cisgender and intersex woman, who after her 2009 World Championships win, was subjected to public scrutiny and sex verification tests due to her apparently ‘masculine’ appearance. Ten years later she is still having to legally fight regulations that would require her to medically reduce her testosterone levels before being allowed to compete again (Ingle, 2018; Press Association, 2009). Despite being a cisgender woman, she is considered by gender determinists and feminist gender artifactualists alike to be too masculine to fairly be in the female category, and so is excluded for the sake of other, more normative women.

In contrast to notions of gender and womanhood that seek to maintain dichotomous sex categories, trans-inclusive and otherwise intersectional feminisms use more holistic definitions that encompass more heterogeneous gender identities and embodiments. Judith Butler (2019), for example, combines the aforementioned existentialist view of social constructionism with the later institutional interpretation; the latter highlights that sex (and not just gender) is assigned, and thus is constructed at least partly by the institutional systems of power that dictate how this assignment is made. Sex is not binary or immutable, and whilst it is partly determined using biology, even different medical professionals may choose different, often contradictory, indicators for sex assignment (i.e. chromosomal sex may differ from hormonal sex, within a binary male/female framework).

Thus the determinants of both sex and gender are more complex than simply immutable natural truth or insubstantial social construction, and involve the interaction of biological information with historical and social contexts, as well as individual experience. Indeed, the distinction between sex and gender has long been contested (e.g. Stanley, 1984); if one accepts that sex is not simply innate and assignment is affected by social norms and institutions, there is no longer the same need to create a separate concept (gender) to represent the social aspect, and doing so can actually serve to reify sex as a natural truth. With this understanding, self-identification as primary marker of sex/gender follows from the political freedom and bodily autonomy historically advocated for in other respects by feminists, and allows each person to safely live as their sex/gender, however they personally believe that that sex/gender has been determined (Butler, 2019). In contrast to this however, returning to TERF arguments, in their opposition to GRA reforms these groups were using crude separations of sex and gender that few contemporary gender theorists still use.

Alongside this question of the nature of gender and womanhood, a second question has similarly divided UK feminists: whether to include men in feminism and work with them, or actively oppose them. It has been suggested that the historical choice of mainstream feminism to use tactics of negotiation with men may be con-

tributing to sentiments of some radical feminists today, who favour the alternate separatist route and may believe that much of the ongoing contemporary sexism and misogyny could have been prevented had their more aggressive tactics been followed (Kalayji, 2018). Given that they also see trans women as men, due to gender determinist and/or gender artifactualist beliefs, many consider the notion of trans inclusion, particularly the idea of considering trans women to be women and allowing them into women-only spaces, to simply be yet more pandering to men and exploitation of women's compassion, which will be used against them and further delay prioritisation of (cisgender) women's liberation (ibid). This concern about prioritisation can be seen in the rhetoric produced by these individuals and groups, for example an article entitled 'Trans rights should not come at the cost of women's fragile gains' (Ditum, 2018). The language here has been chosen in order to present women's rights and resources as precarious, and to encourage anxiety in readers about these being threatened and potentially lost- as well as positioning trans rights as inherently contradictory to women's rights and thus a source of this threat.

Thus we can see that the TERF anti-trans position is based not just on theory or ideology, but also in an emotional response to anxiety about exploitation by men and the continuation or even expansion of the threat women face from misogyny (Kalayji, 2018). This anxiety and defensive anger should be contextualised with the historical trauma that women undoubtedly have suffered from men and male-dominated society (e.g. Griffin, 1971), and often the personal trauma individual women involved have experienced at the hands of men – though unfortunately their concern is ultimately misplaced in trans people rather than institutional problems of hegemonic masculinity and patriarchy.

This understanding, that TERFs view the idea of being trans as non-sensical, and as simply a ploy used to take advantage of women's liberation movements, may help to explain the apparent lack of sensitivity or compassion with which these groups often deny the negative effects of transphobia and difficulties trans people face, for example questioning the accuracy of trans suicide attempt statistics, including those for children and youth (4thwavenow, 2015; Transgender Trend, 2017).

Social psychology can be applied to further explore the emotional nature of this feminist anti-trans response. Firstly, it can be analysed with reference to in-group and out-group behaviours; it has been well established that people generally display a preference for their own in-group over members of the out-group (Everett, Faber and Crockett, 2015). In this context, and used alongside Butler's (2006) idea of trans and non-binary people as 'unintelligible', this could suggest that a cisgender person would psychologically prefer other cisgender people over trans people.

This preference would require cisgender people to consider their identity as such to be a marker of their social identity, sufficient to form an in-group distinct from a trans out-group. At least for TERFs, it does seem that they find it important to distinguish themselves from trans people, including in their communication and group-forming with others; for example, 'women born women' is one term that has historically and is still commonly used to make trans-exclusion from groups and events clear (e.g. Kaveney, 2012). This has been leveraged even more strategically and aggressively by feminists using the slogan 'adult human female' to describe cisgender women- with the use of 'female' used to highlight their emphasis on (what

they consider to be) biological sex. This slogan has been used as part of the anti-trans and anti-GRA reform campaign, including in being printed on t-shirts placed on public statues and monuments (Farell-Roig, 2019) and on billboards (BBC News, 2018). In addition to this demonstration of the importance placed on distinction between trans and cis, there is good evidence that gender identity is a strong factor in the formation of social identity (Madureira, 2012), and even especially so for feminists (Burn, Aboud and Moyles, 2000) - and this may be the more important factor here than the cis/trans distinction, given that TERFs see cisgender women as women, but trans women as men.

However, this preference alone cannot fully explain the aggression and negative emotionality with which some cisgender people (including TERFs) react to trans people, including in their response to proposed Gender Recognition Act reform. Whilst it has been shown that in-group preference is generally the primary motivator, rather than out-group hostility (e.g. Brewer, 1999), beliefs about the relationship between groups, and particularly the implications that may affect the in-group's own resources and welfare, affect how members of the in-group feel about a specific out-group (Brewer, 2007). This can be linked to the threat that we have seen that TERFs believe trans women pose to women's 'fragile' (Ditum, 2018) resources and wellbeing, including in redirecting liberation work away from the interests of (cisgender) women, as well as the believed threat of trans women 'infiltrating', and thus removing the purpose and safety of, women's spaces. Thus, they have particularly hostile attitudes towards the out-group, trans women in particular. The fear of this apparent threat is fuelled by claims that trans women are men who are likely to sexually assault cisgender women in women's only spaces (which has been proven false; e.g. Hasenbush, Flores and Herman, 2018). This anxiety is also heightened by sensationalism in the media about trans women potentially being emboldened to enter women's bathrooms due to GRA reform, when in reality trans people already often use the bathroom that matches their self-identified gender, as is their legal right under the Equality Act 2010.

Furthermore, the psychological concept of *distinctiveness threat* can be applied. It is suggested that people who place strong importance on a particular in-group as part of their personal identity are more inclined to want to create and keep the distinction from the out-group (Matthews et al., 2018), and may feel threatened when the boundaries of this group are blurred, as they feel the uniqueness of their personhood is threatened (Broussard and Warner, 2018). Thus, those people who strongly believe in binary genderism, and in the essentialism of their own gender (or primacy of their assigned sex), will be motivated to protect the apparent boundary between binary genders, and thus oppose the idea that other people can legitimately 'change' genders or be non-binary.

It has been demonstrated empirically that cisgender people, especially those who strongly invest in oppositional sexism and whose own identity strongly relies on their gender, feel gender distinctiveness threat in response to transgender and gender non-conforming people, and report liking these groups less (Broussard and Warner, 2018). The greatest threat was felt regarding gender *conforming* binary trans people (for example a masculine trans man), likely because their ability to 'pass' as their gender despite being assigned differently at birth threatens the distinctiveness a cisgender person feels regarding their own identification with that gender (ibid).

This may help to explain why anti-trans feminists, who hold their womanhood as a very important part of their identity given their historic investment in women's liberation, feel particularly threatened by the idea that someone assigned male at birth could, in their view, simply 'become' a woman by 'choice'. They see it as an intentionally malicious choice used to further exploit women, and to take advantage of the few resources that women do have within a patriarchal society. This comes in the context of their aforementioned beliefs about the primacy of sex assignment in the determination of who is a woman, and who is consequently oppressed through misogyny.

Returning to the concern over the in-group's resources, it seems likely that the lower level of societal concern expressed over trans men, compared to trans women² is (at least in part) related to the aforementioned perception of precarity of women's rights and protections; men's resources are not so easily threatened, given their dominance in the societal gender hierarchy, and women are still a marginalised group in comparison.

Explaining the compelling influence of anti-trans rhetoric within the general public

However, another important feature of the backlash to trans and non-binary identities is that these strongly and emotively negative responses have not been restricted to the (relatively small) TERF groups. On the contrary, anti-trans sentiment has been a mainstream position in the UK surrounding the GRA reform consultation, and this has been made abundantly clear across traditional and social media (Cliff, 2019). In this section, I will explore potential ways that we can understand why anti-trans rhetoric has had such a strong and widespread influence in this context. The baseline position from which the majority of the general public are likely to approach trans issues, which they often have little experience with, is strongly influenced by the gendered socialisation discussed earlier, which reifies gender determinism and positions trans identities as unnatural and unintelligible. The concept of trans identities was then suddenly brought to the fore in the public imagination, and predominantly in a negative way, in a trans moral panic propagated through mainstream media, particularly centred around the GRA reform consultation. Given that this was often the first or main source of information about trans people that many cisgender people received, it is understandable that the threat rhetoric and misinformation was easily received and believed. I will explore and evidence this trans moral panic, and then demonstrate how trans people have come to be seen as a personal threat in a multitude of ways: to a person's investment in gender norms; to their own gender identity; and, for marginalised groups including women and other LGBT+ people, to their own in-group resources and desires for assimilation into the mainstream.

2 As evidenced both theoretically through the concept of transmisogyny (Serano, 2007), and practically as the majority of anti-trans media specifically targets trans woman (Serano, 2009) and the majority of trans people murdered globally and recognised at Transgender Day of Remembrance each year are trans women (Duffy, 2018).

For many, sentiment aligned with traditional opposition to LGBT+ (and women's) rights, rooted in a perceived threat to a deeply held investment in a societal gender hierarchy and in the unintelligibility of trans people within this gender structure, is simultaneously held with aspects of feminist and progressive sentiment. For some, there appears to be a genuine desire to support the rights of marginalised groups, combined with the essentially unavoidable life-long socialisation into the gendered social structure, and having not actively deconstructed this socialisation. This combination can result in an under-emphasis on the humanity of trans people, and an over-emphasis on threat to cisgender people. For example, centre-left British newspaper *The Guardian's* editorial on the GRA (2018) ran the headline 'where rights collide', and claimed that the writers supported both trans and women's rights but that they clashed; yet, their response to this apparent clash was to simply cite common TERF talking points such as trans women threatening cisgender women's safety. This editorial was considered sufficiently transphobic that even the writers' colleagues at the US Guardian published an article to oppose it (Levin, Chalabi & Siddiqui, 2018).

However, there also appears to be cases of completely traditional opposition disguised as feminism or progressivism. For example, an article in the right-wing UK newspaper the *Daily Express* (McKinstry, 2018) claimed to be concerned about trans rights 'hurting women and girls', but the root of the opposition to trans rights was made clear by the choice of language about trans people, such as 'demented', 'madness', and 'bent on the subversion of humanity'. The statement that trans people are 'making a mockery of biological science' is not only scientifically inaccurate (Ainsworth, 2015; Richards et al., 2016), but reveals the author's true concern as perceived threat to gender determinism and oppositional sexism, and particularly what he considers natural and normal regarding gender.

Trans moral panic

It is not new that the media has propagated (often harmful) stereotypes of trans people, but the role of the media in creating cisgender people's perceptions of trans people has only got stronger and often more problematic since 2007 when Julia Serano discussed it in her canonical work *Whipping Girl*. Whilst it is true that increased diversity of media sources has allowed for some more positive representations (McRobbie and Thornton, 1995) of trans people, in recent years the combination of traditional and social media has created an almost inescapable moral panic about trans people. This only intensified in response to the UK Government's public consultation on Gender Recognition Act reform, with almost daily anti-trans news and opinion pieces published in mainstream media in the months leading up to the close of the consultation, and continuing afterwards (Cliff, 2019; Dommu, 2018).

Considering the cultural unintelligibility of trans people and their construction as threat in the public imagination, as already outlined, it is perhaps unsurprising that they have been an easy target of a moral panic, with the prospect of Gender Recognition Act reform used to give the panic urgency and to encourage a wider

base of (cisgender) people to feel threatened by a group they had previously given little thought to. Many aspects can be identified in terms of original conceptualisations of moral panic (e.g. Cohen, 1972; Thompson, 1988), including the intentional exaggeration and distortion by mainstream media of the apparent threat. The common (mis)use of sex(uality) to play to cultural anxieties and exacerbate the panic, as previously highlighted by Rubin (2011), is evident in the construction of trans women in particular as likely sex offenders in women's spaces (Topping, 2018), and in the panic around gender neutral bathrooms as sexualised, and as an apparently likely site of sex crimes (Perry, 2014), despite there being no evidence of these being issues (Hasenbush, Flores and Herman, 2018). Whilst trans identities are no more inherently sexual than cisgender ones, they are constructed as such in a similar way to the over-sexualisation of queer orientations compared to heterosexual ones (Serano, 2009). Whilst cisgender and heterosexual identities are invisibilised by their nature as the dominant societal discourse (following the theory of Foucault, 1972, 1980), LGBT+ people and identities are made ultra-visible by their deviance from the expected narrative and thus are seen as inappropriate for mainstream settings, especially for children (Renold, 2006).

Following Rubin's (2011) argument that sex-related moral panics serve to distract from other social problems, especially financial exploitation of the majority population by the rich minority, it is likely pertinent that this trans moral panic has risen to the fore and attracts a huge amount of media attention at a time of austerity and ever-rising poverty in the UK. This extreme poverty is evidenced by a United Nations report that, amongst other findings, condemned "child poverty rates of as high as 40%" as "not just a disgrace, but a social calamity and an economic disaster" (Alston, 2018, para. 2). The aim of population anxieties and anger is, arguably intentionally, misdirected from the government and the rich, onto an already marginalised group who are an easy target given their existing cultural unintelligibility. The moral panic only exacerbates this dehumanisation of trans people, and also the personal threat that many cisgender people feel.

Within this austerity context there have been severe cuts to social and healthcare services, including those that specifically serve women such as women's refuges. The consequent paucity of resources, disproportionately affecting women (MacDonald, 2018), creates an atmosphere of tension and competition, in which the threat to women's (in-group) resources is easily misattributed to the vulnerable group of trans women. The fear of this threat is demonstrated in anti-trans feminist discourse, for example in an article claiming that women's rights are 'hanging by a thread' (N. Williams, 2019), attributing this to 'changes in transgender law'. This distracts from and prevents accurate location of the genuine threat as governmental economic choices. The UN report stated that these cuts have not been due to economic necessity, but rather a political decision with the aim of 'achieving radical social re-engineering' (Alston, 2018, para. 7). The heightened threat felt to the in-group of women takes focus and deters intersectional analysis of the situation, which would place trans women and particularly trans women of colour as especially marginalised and in need.

Furthermore, the use of children has been an important theme in anti-trans rhetoric, including with regard to sexual threat and anxieties. Trans children are constructed as not truly trans, but rather as exploited and misled by a trans 'agenda'.

Cisgender children are seen to be threatened by both trans children and adults, particularly within gendered spaces, and also by mere knowledge about trans people and identities (Shannon and Smith, 2015). This is made apparent in news headlines such as ‘Children sacrificed to appease trans lobby’ (Turner, 2017), again with language intentionally chosen to distort the truth and encourage readers’ anxiety and feelings of threat.

As in many other contexts, here the idea of the Child is used as a concept, constructed as an ideal, innocent, singular representation of children (e.g. Burman, 2008), with this idea of childhood innocence being an ongoing legacy of the Romanic period (e.g. Austin, 2003). Anything related to sex is considered to be a threat to this innocence; we can see this reflected in claims that society must ‘protect’ children from trans people, for example by restricting the latter’s access to gendered bathrooms, where they are seen as a sexual threat. This idea is explicitly shown in the aforementioned McKinsty (2018) article, which claims that trans people are ‘ruining the innocence of childhood’. However, the ideal Child of course does not reflect reality, and is an abstraction that distracts from the truth of heterogeneity in children and childhood experiences, which in actuality include trans and queer experiences.

Here it is possible to apply Burman’s (2018) notion that the idea of the ‘innocent’ child and their beliefs is used as a stand-in, to allow adults to hold false beliefs whilst simultaneously claiming to understand the objective evidence that opposes those beliefs. For example, the belief that trans people threaten the safety of gendered spaces persists despite strong opposing evidence (e.g. Hasenbush, Flores and Herman, 2018), and the image of an upset or confused child confronted with a visibly trans person in a public bathroom has been prominent in propagation of this belief. Additionally, it is a common refrain in objections to trans people openly and visibly transitioning that it is a problem because children will not be able to understand and it will confuse them. As there is evidence that even young children can understand trans-ness and gender identity (e.g. Ryan, Patraw and Bednar, 2013), this suggests that it is the adults repeating this refrain that take issue with trans people, but that they attempt to mask this by locating the source of the false belief as within the child.

I would argue that much anti-trans rhetoric has also used the (cisgender) Woman as an abstract singular concept in a similar manner, constructing her ultimately as a misogynistic archetype. She is vulnerable and in need of protection, and is defined by her genitalia and reproductive capacity. This is evident in the language and tactics used by groups campaigning against GRA reform, for example specifically approaching men to say they need to ‘protect their daughters’ (Fair Play for Women, 2018).

This singular idea of women again distracts from the reality of a heterogeneous group. Such rhetoric creates a public perception that all (or most) women are threatened by the potential GRA reform, and are (or should be) opposed to it. This distracts from the reality that a significant amount of feminists, and the majority at least of those who value intersectionality, hold trans-inclusive beliefs (Serano, 2018). The use of misogynistic tropes in their rhetoric also betrays the true nature of many of these anti-trans campaign groups; it has been evidenced (e.g. Serano, 2018) that this single issue ‘pro-woman’ stance often originates from far-right appropriation of the feminist cause, as a more socially palatable front for their anti-trans (and generally anti-minority) agenda.

Despite this origin, many women and others who would otherwise oppose anti-equality campaigns have been drawn in to the anti-trans cause, perhaps for reasons that this article has outlined; the gap in knowledge and empathy left by social exclusion of trans narratives is filled with the misinformation of a moral panic, and the threat that (cisgender) people (are encouraged to) feel both to their own gender identities and to women's resources that have been left precarious by funding cuts and austerity.

This recruitment of otherwise pro-equality individuals to the opposition of trans rights indicates that an intellectual desire for equality and tolerance may be insufficient to cause a person to support the liberation of a marginalised group; there are also emotional factors at play, and for cisgender people when considering trans people, these factors are often based in feeling threatened, whether that threat is to their identity, group resources, or heavily socialised beliefs about gender. This may help to explain why Barbara Risman's (2018) research with cisgender millennials found that they were mostly 'straddlers', holding a combination of conflicting ideas as they both supported self-determination and tolerance, but also held a commitment to binary genderism and thus felt personal threat when this was challenged by trans and non-binary identities. Thus, the often advocated intervention to transphobia and gendered prejudice of simply teaching 'gender intelligence' (Nicholas, 2019) or similar, meaning information about gender diversity and tolerance, may not be enough. Whilst giving people information about marginalised groups and their needs does work for some in reducing prejudice, it does not fully address the opposition that comes from and with an emotional response to perceived threat.

Intra-community opposition and transnormativity

The opposition to non-binary genders may ultimately come from the same structures of hegemonic masculinity and oppositional sexism that underlie backlash to binary trans people, but there are also differences that can help us to understand it specifically. Whereas binary trans people are seen to threaten established male and female categories, non-binary genders are seen as an attempt to 'create' new gender categories. To different people and in different contexts, this distinction may affect the perception of non-binary (as compared to binary) trans people in either positive or negative ways. On the one hand, these 'new' non-binary categories are seen as inherently less legitimate than the reified binary genders, and thus to some people may actually be seen as less of a threat. Some groups may hold less strong opposition to non-binary genders than to binary transitions because non-binary genders are not seen to hold the same weight as binary genders. Instead, they are thought of as tolerable, as merely 'identities' that do not really challenge or negate the non-binary person's 'real' assigned (male or female) sex/gender. For example, one blog author writes, 'So you want to call yourself a genderqueer femme presenting demigirl, you go for it. Express that identity however you like' (Reilly-Cooper, 2016). However, she makes it clear that this is only tolerated when no 'political claim' is made on the basis of that non-binary identity; she strongly opposes 'when [non-binary people]

insist that these cis women have structural advantage and political privilege over [them]’.

The framing of non-binary genders as merely identification without weight can also be seen in research studies such as Whyte, Brooks and Torgler (2018). The purpose of this study is specifically to investigate demographic factors of non-binary people, but assigned sex is used uncritically to denote each participant’s ‘sex’, used firstly as a comparative factor and also deferred to in descriptions of participants’ sexuality. A non-binary person assigned male at birth is considered to experience ‘same-sex attraction’ if they are attracted to men, regardless of self-identified sexuality.

On the other hand, there is some evidence of increased discrimination and negative outcomes for genderqueer people compared to binary transgender people (e.g. Harrison, Grant and Herman, 2012). One potential explanation for this may relate to the common perception of non-binary people and genders as an intermediate group (between male and female)³, which may increase the negativity of some responses towards them. This has been suggested to be true for other intermediate groups, specifically bisexual and biracial groups, who were perceived more negatively than gay or straight people or monoracial people respectively (Burke, 2016). This was attributed to ideas of illegitimacy and instability; intermediate group individuals were seen to have less real identities, which resulted from confusion (ibid). The finding that these negative perception effects were stronger in participants who strongly identified with a privileged ingroup (ibid) could also theoretically be applied to cisgender people who strongly invest in oppositional sexism, who would also likely feel threatened if forced to acknowledge ambiguity and therefore overlap between themselves and the outgroup of trans and non-binary people.

Furthermore, in addition to cisgender opposition, non-binary genders also receive criticism from some binary trans people. A starting point for explaining this is the idea that when one specified group is permitted entrance into mainstream social norms, the definition of this group must have boundaries and thus a *constitutive outside* (Butler, 1999) always remains. Thus, just as allowing a certain type of (generally white, middle-class, cisgender) gay identity some acceptance in the mainstream inherently excludes LGBT+ people who do not fit this specific narrative, the campaign to allow a strictly defined group of transgender people entrance into normative society (through gatekeeping institutions and laws such as the original 2004 Gender Recognition Act) inherently leaves trans people who do not fit this narrative, including non-binary people (who have no legal recognition), as the constitutive outside (Harris, 2012).

The entrance of only ‘respectable’ gay people into normative society, through existing institutions such as marriage, and only in ways that do not challenge systemic heteronormativity, has been termed *homonormativity* (Duggan, 2003). The roots of homophobia remain intact, with gay people merely tolerated (Nicholas, 2019), and tolerated only if they are otherwise normative neoliberal subjects. This plays into the ways that the identity recognition aspects of liberation movements have

3 Non-binary people are commonly perceived as being somewhere between male and female, despite the fact that this is untrue for many in actuality, who may for example be agender or otherwise identify their gender without reference to the male/female binary.

been utilised by neoliberal politics, emphasising and celebrating increased diversity of identity within normative society, and thus distracting from the material reality of inequality and the fight for economic justice (Fraser, 2000, 2009). This is evident in the corporate nature of modern 'gay pride' events, which give primacy to advertising and partying, rather than reflecting the roots of pride as a protest against queerphobia. The existence of a rich elite, regardless of whether LGBT+ people may now be able to individually become one of them, relies on other people continuing to live in poverty- and a disproportionate amount of those in poverty are queer and otherwise marginalised (Hunter, McGovern and Sutherland, 2018). The most privileged subgroups of the LGBT+ community claim their new freedom to participate in neoliberal society, at the expense of more marginalised subgroups who experience heightened oppression and have minimal representation.

In a similar way, *transnormativity* (e.g. Johnson, 2016) can be recognised as a type of trans politics that identifies the acceptable trans person and allows them entry into some aspects of normative public life, through institutions that still rely on cisnormativity. The original 2004 Gender Recognition Act is one such institution, requiring the trans person to meet standards based on cisgender understandings of gender identification, including ideas of permanence and external evidence (Harris, 2012).

We can therefore understand opposition to Gender Recognition Act reform from some trans people, and some cisgender people who restrict their tolerance of trans people only to those they deem acceptable or 'trans enough', in the context of investment in discourses of transnormativity. The 'right way' to be trans within neoliberal cisgenderist society is the narrative of being 'born in the wrong body', of being assigned one binary gender and transitioning socially and medically to become someone who passes as a cisgender person of the other ('opposite') binary gender (Lovelock, 2017). Whilst it is not inherently problematic for individuals to personally identify with this particular narrative, it becomes so when this group are constructed as the respectable and the only legitimate trans people. This group may be happy with the original Gender Recognition Act, and its requirements for medical and social evidence of transition, as they invest in cisgenderist ideas of needing to 'prove' trans identity; they may actively support the use of these requirements to 'protect' the distinctiveness of the category of legitimate trans people (and thus their own identity), from those who do not meet transnormative standards such as experiencing body dysphoria or having a binary gender, and thus do not have this evidence.

The investment in homonormativity and transnormativity can be understood through distinctiveness threat, outlined above, as once individuals feel their own group has entered the category of normative, they can quickly begin to feel this threat to the distinctiveness and the resources of this category that they have only just been allowed to join. Thus, they resist attempts by other groups to join them, for example binary trans people refuting non-binary trans people's legitimacy.

This is complicated further by its association with the desire for assimilation, meaning integration into rather than deconstruction of social norms, and the cultural capital this brings. Homonormative or transnormative groups may feel that expanding their category to more marginalised groups threatens their own legitimacy in the eyes of dominant (cisgender heterosexual) society, and thus threatens the possibility

of achieving their own desire of assimilation. For example, some LGB people do not want the T to be included in the LGBT+ acronym, as they fear that it will make them less likely to be accepted by the mainstream (*Drop the T*, 2015; Robinson, 2012). In fact, post-gay homonormativity seems to *require* transphobia (and biphobia) in order to maintain the mainstream toleration of the most otherwise normative gay people (Lapointe, 2016; Mathers, Sumerau and Cragun, 2018), as described previously. Similarly, some binary trans people do not want to include non-binary in their category, as they feel it will make cisgender people take them less seriously and be less likely to accept them (*Truscum*, 2015; Vaid-Menon, 2015). As such, even trans people can deeply invest in binary genderism, and thus not acknowledge any gender beyond male and female as real or legitimate.

However for LGBT+ people, investing in transnormativity (and homonormativity) is ultimately self-defeating- because it leaves intact the cisnormative (and heteronormative) structures that contribute to anti-queer oppression, and even reifies them. Given that transnormativity suggests that the right way to be trans is essentially to be as close to cisgender as possible, to 'pass' as cisgender (Petersen, 2017), and certainly to aspire to do so, it becomes clear that the concept relies on transphobia. Whilst this continues to be the dominant discourse, being visibly trans will continue to compromise a person's safety and access to public spaces, with the remedy cited as changing oneself to appear more cisgender, rather than changing social attitudes and deconstructing norms.

We can see this in the limited acceptance given to the public figure Caitlyn Jenner, and the tolerance of her gender by the cisnormative mainstream being conditional on her reification of a cisgender-friendly stereotypical narrative of gender transition (Lovelock, 2017). Despite following a transnormative narrative, she has still been subjected to much public transphobia, including 'Caitlyn Jenner' Halloween costumes marketed at cisgender men. This transphobia remains because the underlying cisnormativity has not been challenged. In contrast, an alternative to the aim of assimilation for specific defined groups is demanding affirmation of all gender identities and transition narratives. To effectively challenge marginalisation, a better approach would be an ongoing critique of social norms, rather than the current practice of allowing groups entry into them individually and one at a time.

Conclusion

This article has established that there are both ideological and emotional factors interacting in the creation of widespread anti-trans sentiment in the UK surrounding potential GRA reform. Whilst religious objections to trans rights still occur, the mainstream opposition has centred predominantly around claims to feminist protection of (cisgender) women and girls, from the apparent threat of trans women. However, these claims either rely on non-intersectional interpretations of feminism that deny the reality of heterogeneous experiences of womanhood, and/or are simply used as a more palatable cover for traditional opposition to trans and wider LGBT+ rights.

The article has put forward an explanation for the broader influence of this opposition on the general public, suggesting firstly that an investment in gender determinism and oppositional sexism is created through life-long gendered socialisation. This produces a baseline of knowledge about gender that positions trans identities as unintelligible, and therefore the anti-trans moral panic propagated in the media in the last few years has easily been taken as fact, leading to transphobic sentiments that individuals believe are simply natural responses.

It is posited that trans people and identities are constructed in the public imagination primarily in terms of the threat they apparently pose to cisgender people. This includes threat to investment in gendered norms, threat to a person's own gender identity, and for women and other marginalised groups such as other LGBT+ people, threat to their own in-group resources and their potential assimilation into mainstream culture.

All of these factors together indicate that interventions designed to tackle transphobia likely need to consider both ideological and emotional components of responses to trans people in order to be effective. Future research could usefully explore comparisons of transphobia and its roots in different countries, so as to better identify important factors in different contexts, and thus inform situational interventions.

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Leave those kids alone: On the uses and abuses and feminist queer potential of non-binary and genderqueer

Lucy Nicholas and Sal Clark

Abstract: The argument of this paper is that, despite their limits, gender ‘proliferations’ like non-binary and genderqueer are the most effective and pragmatic approaches to overcoming or dismantling the gender binary whilst also expanding the range of ‘cultural resources’ of gender in the meantime. We make this case with the political and ethical caveat, however, that it would be politically ideal for these invocations of proliferation to be complemented by ongoing attempts to challenge sex/gender itself. We first outline the many ways that non-binary and genderqueer identities are invoked by numerous commentators as either symbols of progress, or weaponised for antithetical political purposes by a coalition of forces hostile to their proliferation. We then outline a defence of these identities as ontologically, pragmatically and socially justified, with feminist and queer political potential. We will make an argument as to why the invocation of non-binary and genderqueer as identity or subject positions is both understandable, due to the cultural constraints of the compulsarity of gender identity in society, and a potentially politically effective strategy. We then go on to engage, generously, with some potential limitations around non-binary and genderqueer and their potential collapse in to normativity, and consider how these may be addressed or mitigated against by a queer ethics. In short, we argue that non-binary and genderqueer can be understood as ways to make space in a structure that is not likely to crumble any time soon.

Keywords: non-binary; genderqueer; radical feminism; queer ethics; identity politics

NOTE: Both authors wish to acknowledge that they live and work on stolen land, never ceded by the custodians, the Wurundjeri people of the Kulin nation. We pay our respects to elders past and present and to the ways that gender and sexuality have long been understood by the Indigenous custodians of these lands.

Introduction

Does justice demand that I decide? Or does justice demand that I wait to decide, that I practice a certain deferral in the face of a situation in which too many have rushed to judgement? (Butler 2004: 632)

In 2018, two influential feminist scholars who have long argued for the transcendence of gender published work that sought to assess the potential of recent expansions in gender identity in the Global North. They both framed this as a generational phenomenon, Barbara Risman in her book *Where the Millennials Will Take Us*, and Judith Lorber in a paper subtitled ‘Multiple Genders and the Persistence of the Binary’. Both concluded that identities such as non-binary or genderqueer, while showing potential, seem to have limits and some conservative tendencies in reifying the

essence of gender or not sufficiently challenging its binary aspects. However, both of these thinkers do so in a generous spirit, having always been supportive of any ways that sex/gender binaries can be challenged, with strong critiques of sex/gender essence. Their take, instead, is that these things do not go far enough in exploding these notions. This is a valid critique, if the sole purpose of using these as ‘new’¹ gender identities or concepts was to challenge gender itself, a queer and feminist political aim that we the authors, too, share (see Nicholas’s 2014 *Queer Post-Gender Ethics*). However, we argue here that in the current cultural and political context, the invocation of ‘new’ genders or the idea of gender as a spectrum, has to be seen as an enabling strategy in what Judith Butler would describe as a ‘scene of constraint’ (2004: 1).

In a more extreme context, and perhaps limiting how radical gender transgression can be due to its highly critical nature, there has been a rise in what we characterise as conservative critique of these identities or ways of understanding gender. These have come from straightforwardly conservative sources such as the Catholic church and the conservative right who appeal to sex/gender essence and innate heterosexuality (Nicholas 2019), but also from some claiming to speak on behalf of feminism or women who too draw on a natural sex distinction that is both the source of gender oppression, solidarity and the source of feminism’s claims (McCann & Nicholas 2019). For them, using ‘new’ gender identities such as non-binary or genderqueer, or claiming genders on a spectrum, is a ‘hyper-identity politics’ (Downing 2018) that reifies the social aspects of gender that they seek to divorce from binary biology. This has become a bitter debate and backlash, as outlined in other pieces in this special issue.

The argument of this paper is, instead, that despite their limits, gender ‘proliferations’ like non-binary and genderqueer are the most effective and pragmatic approaches to overcoming or dismantling the gender binary whilst also expanding the range of ‘cultural resources’ of gender in the meantime. We make this case with the political and ethical caveat, however, that it would be politically ideal for these invocations of proliferation to be complemented by ongoing attempts to challenge sex/gender itself.

In this paper, we will first outline the many ways that non-binary and genderqueer identities are invoked by numerous commentators as either symbols of progress, or weaponised for antithetical political purposes by a coalition of forces hostile to their proliferation. We shall then outline a defence of these identities as ontologically, pragmatically and socially justified, with feminist and queer political potential. We will make an argument as to why the invocation of non-binary and genderqueer as identity or subject positions is both understandable, due to the cultural constraints of the compulsariness of gender identity in society, and a potentially politically effective strategy. We also refute claims that these identities are any less ‘real’ than man/woman, given the ontological meanings that gendered traits have in most contemporary societies. We then go on to engage, generously, with some potential limitations around non-binary and genderqueer and their potential collapse in to normativity,

1 We want to acknowledge here that we do not ascribe to the idea that non-binary expressions of gender are actually ‘new.’ The notion of compulsory, rigid, hierarchical binary gender that is congruent with sex’ is a colonial imposition on to a variety of ontologies

and consider how these may be addressed or mitigated against by imbuing them with a queer ethos. In short, we argue that the simplistic ‘for/against’ arguments do not account enough for the performative strength of gender in contemporary society, the need for ‘liveability’ (Butler 2004) and the complexities of contemporary queer communities, and that non-binary and genderqueer can be understood as ways to make space in a structure that is not likely to crumble any time soon.

Allegories and straw-people: Invocations of non-binary / genderqueer

In many ways, non-binary and genderqueer have become allegories, stand-ins and symbols for a multitude of social and political positions or problems. The terms non-binary and genderqueer are variously invoked by those who identify with them as identities or what Dembroff calls ‘a gender phenomenon’ (2018a: 3). Broadly genderqueer or non-binary are usually identity labels not tied to any physicality. Richards, Bouman & Barker (2017: 5) define non-binary as ‘an umbrella term for any gender (or lack of gender) that would not be adequately represented by an either/or choice between “man” or “woman”’. They caution their readers that there is no one fixed definition and that these labels may mean different things to different people. Like all identity labels, they are subject to interpretation and change.

Many people who identify as or with these concepts also use gender-neutral pronouns and research shows that this phenomenon is indeed increasing in frequency and awareness by generation: ‘Gen Zers are more likely than Millennials to say they know someone who prefers that others use gender-neutral pronouns to refer to them: 35% say this is the case, compared with a quarter of Millennials. Among each older generation, the share saying this drops: 16% of Gen Xers, 12% of Boomers and just 7% of Silents say this.’ (Parker, Graf & Igielnik 2019: n.p.). Further, in relation to gender diversity more broadly, according to a survey by GLAAD (2017), 12% of people in USA aged 18–34 identify as something other than cisgender, 6% of 35–51 year olds, and 3% of those over 52. Smith et al.’s (2014) Australian research demonstrates that young people are increasingly identifying outside of the man/woman binary, and the most common gender identity chosen in their survey of trans and gender diverse young people was ‘genderqueer.’

The term ‘genderqueer’ emerged in the 1990s alongside the advent of Queer Theory. According to Brett Genny Beemyn (2009: 37), ‘A genderqueer identity challenges the traditional transsexual paradigm that individuals who feel themselves to be a gender different from the one assigned to them at birth will seek to express that different gender completely through changing their bodies and presenting unambiguously as that gender’. This suggests that genderqueer is distinct from the wrong-body idea of trans. Caution must once again be expressed here however, as different people will understand genderqueer in a multitude of ways, our intention is not to be prescriptive in what these labels are and who they are for, rather it is simply to provide some workable account of their broad ethos, while acknowledging the limits of attempting to define them. Genderqueer is now sometimes invoked as an umbrella

term for non-cis or non-normative genders in a similar manner to ‘queer’ for sexualities, while some maintain that it represents a specifically anti-normative and less definable approach to gender.

While the percentage of people who openly identify as either genderqueer or non-binary may appear as an emergent property of younger generations, according to Richards et.al (2017: 5) many more people experience themselves in non-binary ways. They reference a 2013 Israeli study conducted by Joel et al. that found that over a third of people in the general population felt to some extent that they were the ‘other’ gender, both genders, and/or neither gender. This is a significant finding suggesting a widespread dissatisfaction with the limitations of the gender binary.

In the following section, we outline some of the political or social invocations of non-binary and/or genderqueer – some of which over-emphasise their radical potential to deconstruct the current gender order, some of which consider them to be gender essences that allow people to tap their ‘true’ selves, and some of which decry them as expressions of apolitical individualism that reify gender, illustrating the depth of the current divide. We shall then attempt to address some of these critiques, arguing that these identities are ontologically, pragmatically and socially justified, noting that while they may not have any inherent political implications they hold feminist and queer political *potential*.

The ‘genderquake’

There has been an indisputable rise in media coverage and popular knowledge of the existence of non-binary people. Undoubtedly, the most palatable and widespread framing is an extension of the trans wrong-body narrative, where the appeal for recognition, acceptance or tolerance is made on the basis that people are merely discovering their true selves and wish to be treated how they feel (Nicholas 2019). While the most palatable version of this story is the binary trans version of ‘transformation,’ there is also increasing discourse around young people claiming an explosion of genders. For example, a *Guardian* article describes millennials as ‘the gender fluid generation’ (Marsh 2016). Echoing a ‘born this way’ approach to gay rights, these accounts usually place non-binary as a gender identity, and one that is not a choice but better represents the true self. The minority rights approach to recognitions has long been used by different groups (Taylor 1992) and has been widely discussed as both strategically useful and politically limited and reifying (Fraser & Honneth 2003). Whilst a minority identity approach to non-binary and genderqueer as third options asserts that gender is not and should not be binary, it does not inherently challenge the significance and naturalness of gender itself.

Less often, but still prevalent, non-binary but more often genderqueer are seen as political *positions* that undo gender itself rather than innate identities (see for example Riedel 2018), and that are defined by being in opposition to normative, foundational gender. Philosopher Robin Dembroff (2019a), for example, calls for a metaphysical definition of genderqueer as a ‘critical gender kind’ rather than an identity. By this they mean that ‘to be genderqueer is to manifest resistance to the binary

assumption ... and to do so based on one's self-perceived or claimed ontological position' (2019a: 2–3). The second part of this quotation importantly demonstrates that, while they value the political elements of non-binary and genderqueer, they see that this can come from *either* a perceived (perhaps felt) or claimed (perhaps chosen) foundation. However, ultimately they assert the following:

I consider nonbinary identity to be an unabashedly political identity. It is for anyone who wishes to wield self-understanding in service of *dismantling* a mandatory, self-reproducing gender system that strictly controls what we can do and be ... To be nonbinary is to set one's existence *in opposition to this system at its conceptual core*. (Dembroff 2019a, np, emphasis added).

Indeed, the term genderqueer was first used in print by Riki Anne Wilchins who saw genderqueer as an explicitly political phenomenon that was a challenge to the oppressive nature of gender, defining:

...genderqueer: diesel dykes and stone butches, leatherqueens and radical fairies, nelly fags, crossdressers, intersexed, transsexuals, transvestites, transgendered, transgressively gendered, intersexed, and those of us whose gender expressions are so complex they haven't even been named yet. (Wilchins in Tobia 2018)

This is conceptually in-line with the ideas of queer theory which shifted the idea of gender, alongside sexuality, from something that you *are* to something that you *do* in an attempt to distance it from being such a core aspect of selfhood. This is perhaps most famously articulated by Judith Butler's idea of gender performativity, through which she considers gender a verb not a noun (1990). In queer theory, 'queer' was often used as a position rather than an identity and Butler lamented the congealment of 'queer' into a foundational identity term as undermining its ethos (1993).

Whilst queer theory and Wilchins' definition explicitly use genderqueer as an issue of gender expression, it is more often considered an identity in the contemporary context. For example: 'People who describe themselves as genderqueer often feel that the gender binary (boy OR girl, woman OR man) is too limiting to describe *their experience* of gender' (Kean & Bolton 2015, emphasis added). Gender identity and gender expression are often considered separate phenomena in contemporary usage, with identity as what you are, and expression as the ways that you present (see for example the much loved Gender Unicorn <http://www.transstudent.org/gender/>). This is understandable, but does not in itself dismantle the idea of gender as a core element of selfhood. This is perhaps where Lorber's critique is taking aim, in that she is lamenting that:

the problem is that the popular concept of gender currently is what you believe you are [identity] and how you present yourself. It's not relational, social, structural, or institutional, but purely personal. (Lorber 2018: 299)

We will discuss the 'realness' of gender more widely later, but this rise in self-determination (whether understood as emanating from a feeling or a choice) that Lorber has some careful reservations about, has also been met with vehement and hateful backlash and mockery by those invested in maintaining gender as a binary. This has created an unholy alliance of conservative right commentators and feminists who hold to the biological binary of sex. As we will argue, it is also possible that this kind of response partly creates the conditions for the necessity of claiming the 'realness'

of non-binary and genderqueer. That is, if they are framed as ‘invented’ and ‘ideological’ at the same time that male / female, or man / woman are reified as ‘real’ and not invented or ideological, it is easy to understand why a claim to their validity as identity would seem a necessary logical response.

‘Gender ideology’ and the end of civilisation

In recent years mainstream media outlets have been awash with articles stoking fear and misinformation around the proliferation of gender categories that go beyond the binary. Allegations range from moral decay to an all-out conspiracy to brainwash and indoctrinate all children into a new ‘gay agenda’ (Nicholas 2019). Conservative commentators repeat stories that gender neutral parenting or teaching styles are confusing children, and that these and queer-affirmative approaches to teaching are politicising and sexualising childhood and are the natural result of a PC culture gone mad (Shannon & Smith 2017). These attacks often draw on patriarchal notions that young women must be protected from gender deviants or claim that traditional masculinity is under attack. While there has been a collective hand wringing regarding trans students in schools (Morgan & Taylor 2019), often centred around the issue of toilets or sports – genderqueer and/or non-binary students are subject to a different type of ridicule, based on the perception that they are whimsical, ad-hoc, self-indulgent choices, placed in opposition to real ‘stable’ gender identities.

These criticisms have now congealed under the banner of fighting the spread of, what has become pejoratively known as, ‘gender ideology’. This terminology, originally pioneered by the Catholic Church in the 1990s, has been adopted by a variety of conservative groups to reinforce a normative, yet refuted position that sex and gender are immutable pre-social facts grounded in biology. Public figures seen to embrace the fairly uncontroversial fact that gender is a social construct have been accused of promoting a ‘gender ideology’ that goes against tradition and ‘common sense’.

This serves multiple functions, first it acts as a moral panic, designed to instil fear in those who may feel threatened by progressive social change, particularly in regards to the recognition of rights for women and sexual minorities. Secondly, it mobilises a discourse designed to neutralise the essentialist worldview, casting any opposition to it as a self-serving ideology engaged in social engineering while positioning their own reading as natural or ‘non-political’ (Nicholas 2019). Fighting the spread of ‘gender ideology’ has subsequently become a type of dog whistle, operationalised for homophobic, transphobic and regressive agendas in Argentina, UK, and much of Europe, with a similar alliance of the Christian right, the populist extreme right and ‘radical’ anti-trans feminists (Nicholas & Agius 2018). There are some specificities regionally, for example Kovats has identified that right-wing backlash in populist discourses in Europe are conflating what they call ‘gender ideology’ with individualistic identity politics. This leads to the idea that “‘gender theory’ is “ultra-individualistic, hedonistic and radically relativist”, and therefore has the same roots as market fundamentalism’ (Printemps Francais in Kovats 2018: 6). However, similar

conceptual links and charges of ‘hyper-identity politics’ like those of the European populist right have been made by leftists and ‘radical’ feminists in the Anglosphere, who conceive of gender ‘proliferation’ as complicit with neoliberalism and at odds with structural and materialist accounts of feminism.

‘Hyper-identity politics’

The idea of expanding gender/s, nonbinary and / or the idea that gender is or can be a spectrum have also been critiqued by some self-identified ‘radical’ feminist thinkers who consider it ‘internally incoherent and politically unattractive’ (Reilly-Cooper 2016, see also Jeffreys 2014). Many, but not all of these feminists are also ‘trans-exclusionary’ (i.e. do not believe that somebody could or should ‘change’ gender or sex and see trans as a threat to feminism), and believe in the strict division between sex as a biological given, and gender as the social associations of this biological terrain.

‘Female People’:

A key premise of radical feminists who now describe themselves as ‘gender critical’ feminists that allows them to describe non-binary and genderqueer as politically ineffective is the same as that which underpins their (majority) broader trans-exclusionary ethos. That is, gender oppression primarily targets those assigned female at birth (what they call female people), male and female sexes are biologically real, but the social imposition of value and stereotypes to these is the problem and results in female people being oppressed. For them, then, the solution is to get rid of the social imposition of these values, so that female and male people can be however they want without this being hierarchical and without it meaning identity (Lawford-Smith in Chappell & Lawford-Smith 2018).

We will discuss in more depth below how this ‘sex/gender’ divide has been compellingly challenged by feminists and biologists for as long as the sex/gender divide has been used, given that gender stereotypes derive their social power from making foundational biological claims (e.g. Stanley 1984; Delphy 1993; Nicholas 2014). Many feminist thinkers have always used sex/gender to refer to this complete system of social oppositional binaries (e.g. Kessler & McKenna 1978) and maintained that ‘sex’ is as social or cultural, if not more, than gender.

In a classic abstract public philosophical discussion of whether we, as a society, *should* respect trans women’s identities and whether we *should* deconstruct the concepts of male/female sex, Kathleen Stock describes intersex people as ‘statistical outliers’ (2018) who are not good enough evidence that the categories of sex are messier than binary sex/gender may have us believe. For Stock and others, the usefulness of the category female for understanding the shared experiences of a group of people with shared physical features outweighs any harm its imposition or exclusion may do.

'Gender Critical':

For many of these critics, proliferation of gender is therefore playing in to the falsity of the ontological realness of gender and denying the ontological realness of sex. For them, this reifies gender and elevates its importance, and its stereotypes. Thus, they describe themselves as 'gender critical,' implying that those committed to expanding gender or who use non-binary and genderqueer are not critical of gender (McCann & Nicholas 2019). Exemplary here is a piece in *The Guardian*, a paper that undoubtedly has a 'gender critical' line, that speaks to a standard argument in this vein:

Too often, discussions of gender today, rather than expanding boundaries, only contract them. When people say they're "non-binary", it sounds to me more like they swallowed the lie of the pink and blue onesies. Because the point is everyone, really, is non-binary – no one's a wholly pink butterfly or blue car onesie. We are all, to varying degrees, purple spaceship onesies – and, yes, that is the scientific term ... Gender stereotypes are too often confused with biology, and you hear this mistake being made as much on the left as you do on the right (Freeman 2017)

This sounds sensible and is an easy idea to understand. Similarly, another critic states "The Future Is Nonbinary" is ... empty. It might look good on Instagram, but all it does is reenforce [sic] gender stereotypes. The reality is, we all have elements of both the masculine and the feminine. This doesn't make you binary or nonbinary. It makes you a human.' (Herzog 2018: n.p.). This is a kind of 'gender-blind' account that, ironically, takes those using variant identities to challenge the dominant genders to task much more than those using the binaries. The same critics are not often heard, for example, calling for all cismen and ciswomen to stop referring to themselves as gendered. Like those critics of gender ideology from the right, discussed above, these feminist accounts frame things like non-binary and genderqueer as 'ideological' and invented, which has the direct result of naturalising and essentialising binary gender as real. That is, 'new' genders are seen as 'hyper-identity politics' (Downing 2018), while maintaining binary genders is not interrogated at all, even though these same feminists are suggesting they are merely social impositions on to biological sex. As a result of some of this, the term 'adult human female' is being invoked by some 'gender critical' feminists, as well as claims of being 'gender abolitionist' to show that what they think is real is the biological distinction, which is the basis of women as a class of people with shared social positions due to the exploitation of their reproductive capacities. For the 'gender critical' feminists, either the social hierarchy or the social meanings of gender can be rejected and overcome without challenging the idea of the immutability of the sexed binary body.

In our analysis, then, these arguments are nearly complicit with liberal 'gender-blind' accounts comparable to post-racial arguments that lack the capacity to hold both the position that the notion of biological 'race' is a socially constituted one and thus needs challenging on the one hand *and* that the idea has material effects that require different strategic invocations of it on the other (Joseph-Salisbury 2019). In short, it appears ontologically naive. At its worst, the 'gender critical' position claims that ideas of gender as spectrum or any other proliferated model create 'a new gender prison' (Reilly-Cooper 2016). Dembroff, a non-binary academic who writes about

its radical potential, recounts being criticised as ‘obsessed with gender’ (2018a), and accused of perpetuating the problems of gender, rather than problematising gender itself. A high-profile example of such ontologically and politically confused ‘gender critical’ essentialist arguments is in retired gender scholar Sheila Jeffreys’ trans-exclusionary *Gender Hurts*. Jeffreys takes aim at binary transgender and at the idea of transition, positing like those critics above that it reifies the idea of gender as a real thing, and reinforces gender stereotypes. These feminists seem to be arguing, on the surface, then, that we need to get rid of the gender binary, hence the shift to the self-identity of ‘gender critical’ in 2018 (McCann & Nicholas 2019) in order to make this point that identity politics of non-binary and genderqueer, and trans more broadly, essentialises gender. The incapacity of gender proliferation to completely and utterly undo and get rid of gender is then used as an *a priori* by gender critical feminists, for their complete dismissal of the notion in an either / or logic and totalising abstract ideology.

Individualism:

Ideas like this also share the corollary that anything that faintly whiffs of ‘identity politics’ is reduced down and dismissed as not tackling, but also completely at odds with the capacity to challenge, the structural level. This is most explicitly and vehemently articulated in Socialist accounts as well as radical feminist accounts. A common argument among ‘radical’ feminists is that ‘identifying as nonbinary is a fix for the individual, not for the whole’ (Herzog 2018), and therefore offers little in terms of structural change. Much online mockery, which will not be platformed here, centres around what ‘gender critical feminists’ consider to be the ridiculousness of self-identification, with sarcastic claims by critics to identify as all sorts of things and jokes that people cannot ‘self-identify’ their way out of oppression or ‘self-identify’ their way in to power. This rests on the narrow assumption that self-identification is advocated *only* as a way to alleviate gender oppression, and that it is unable to exist alongside wider, structural analyses. Below we will argue against both of these premises, suggesting that to set up non-binary and genderqueer self-identification as either the solution to gender or as a failure is to deny its strategic importance as an enabling alternative, congruent with structural change.

Many of the arguments against nonbinary like those of Reilly-Cooper (2016) can reinforce some of the worst generational stereotypes and mischaracterisations of millennials. For example, by reproducing ideas of millennials as narcissistic and raised with an “‘it’s all about me” self-esteem mentality’ (Risman 2018: 39), overly concerned with feelings. This has taken a somewhat arrogant, masculinist, ‘false consciousness’ tone in many debates, especially where totalising philosophical arguments, lacking social context and consideration, are concerned. This has often resulted in ridicule of expanded gender language categories or identities and pronouns and a refusal to use a person’s chosen identity or pronoun, that is wilful misgendering to make an abstract political point, and a mockery of charges that such acts constitute ‘microaggressions’. From the perspective of both the religious and conservative right and ‘gender critical feminists,’ while non-binary or genderqueer people are

‘inventing’ gender, then, in this view, cis women and men are not. That is, non-binary and genderqueer are ‘ideology’ but the ideas of female and male are not, despite scientific evidence to the contrary.

Not quite far enough: the radical queer feminist critique

In some ways the political arguments made by ‘gender critical’ feminists regarding the individualising nature of proliferating gender identities, are somewhat congruent with arguments advanced by less obviously hostile, less essentialising, more deconstructive feminist thinkers. Queer theory has long been critical of identity politics, critiquing its tendency to always reify and exclude, and to create new boundaries (Butler 1993). In this vein, many queer and gender deconstructive thinkers have also been critical of the identity politics of non-binary, suggesting that it sets up new norms. For example, Dembroff to some extent concurs with ‘gender critical feminists’ that the solidification of non-binary as an identity has negative political outcomes, but Dembroff argues that this is because it closes down more proliferation:

California now lumps all identities other than “male” and “female” under the “nonbinary” label. This reduces alternative gender identities to “not a woman or a man.” Far from escaping the gender binary, this and any similar law will continue to define every gender identity *with reference to the binary*. It perpetuates the common prejudice that binary identities are somehow more legitimate than the multitudes of other identities. Rather than deconstruct gender binarism, lawmakers have, in effect, shored it up. (Dembroff 2018b)

This argument has been made in queer theory for some time, see Nicholas (2014) on the reification of essence in individual, foundational claims to expanded genders, and on the limits of trans identity to actually challenge the foundations of gender². However, their ontological premises are importantly different, and this is what makes the more deconstructive critique of more interest. Can this critique of individualism co-exist with an acknowledgement that proliferated or ‘spectrum’ approaches to gender can be a stepping-stone and may be both pragmatically essential in a gendered world, and a challenge to binary gender?

Many thinkers have long argued that both biological sex and gender are socially constructed, and held this view alongside being explicitly feminist and holding the aim of ultimately getting rid of these categories (Butler 1990; Lorber 2000; Stanley 1984; Fausto-Sterling 2012). A key distinction here is that they acknowledge the material impacts of being assigned male / female without insisting on the reification and re-strengthening of the ‘adult human female’ category as the solution to this, as many ‘radical’ feminists are currently doing. Ultimately, in normative terms, genderqueer thinkers argue that wilful and uncritical reification of categories that do harms is always morally wrong: ‘even if a harmful ideology is already present, reinforcing

2 Lucy Nicholas would like to take this opportunity to revisit the tone of some of this work. In critiquing trans identity politics, they feel that not enough effort was made to acknowledge simultaneously the absolute life-saving necessity of these identities, and to emphasise that they are no less ‘real’ than cis-genders. They hope that some of the abstract allegorising done in that work can be challenged here and point readers to their discussions of ‘strategic essentialism’ in Nicholas (2014)

that ideology in everyday discourse – making it stronger, more pervasive – makes its problematic implications worse’ (Dembroff & Wodak 2018: 379).

Both Judith Lorber and Barbara Risman, who have long argued for ‘degendering’ have recently published on the possible limits of only working at the individual level of gender identity. Lorber’s strongest argument is that ‘a rhetoric of gender multiplicity [is] made meaningless by a continuing system of bigendered social structures that support continued gender inequality.’ (2018: 299). This is somewhat different to the arguments above which tend to rely, at their base, on the notion that gender inequality derives entirely from the differential valuing of the presumed reproductive categories of male and female bodied people (McCulloch 2016). However, where Lorber overlaps somewhat with some of the ‘radical’ feminist critiques is in their claim that gender multiplication can render gender a psychologically essential and individual trait. Lorber says ‘the popular concept of gender is currently what you believe you are and how you present yourself. It’s not relational, social, structural, or institutional, but purely personal’ thus ‘throwing gender back into personal identity’ (2018: 299).

However, the spirit of both Lorber and Risman’s engagement is generous, and genuine excitement at the expansion of gender is apparent. Indeed, Lorber argues that multiple genders that have recently become available are ‘still constrained by a powerful binary frame,’ (2018: 299) proposing that these individual identities and individual consciousness can be the beginning point in a gender politics of change, but that people need to *also* create a revolutionary movement for change, rather than throwing the debate in to totalising either / or polemics. This paper will finish by considering how this may happen and what this may look like. For now, we will outline why aims such as getting rid of sex/gender may need to be complemented or preceded by expanding them.

Why can’t we go straight to transcending gender?

The topic of transcending or completely eradicating gender has never been mainstream. It possibly reached its peak in the 1970s with utopian feminist speculative fiction (Nicholas 2014), but has since been sidelined in favour of ideas of multiplying or expanding gender, or making it a matter of choice. Exemplary of this latter approach is Halberstam’s idea of ‘coming out’ as one’s chosen gender as an ideal (1998). In many ways, both the trans-exclusionary ‘feminist’ and the queer theory-influenced feminist perspectives above ask whether gender can be transcended. A key difference being that the trans-exclusionary ‘feminists’ consider (binary) biological sexual difference immutable, and the queer theory-influenced feminist perspectives understand both sex and gender to be mutable and call for both to be transcended. Indeed a key argument in Nicholas (2014), following Delphy (1993) and others is that gender keeps collapsing back in to binaries *because* of its genealogy from, co-constitution with, and thus inseparability from the idea of binary biological sex. In this account, leftist and trans-exclusionary ‘feminist’ critiques that consider non-binary and genderqueer people to be ‘gender obsessives’ reify ‘biological sex’

and mis-represent gender ontology and the relationship between gender and sex, which re-reifies gender binaries. Many thinkers have concluded that the socially or culturally constructed nature of (binary) gender makes it even more immutable than biology. Indeed, in a cover article for *Nature* journal, biologist Claire Ainsworth argues that:

Biologists may have been building a more nuanced view of sex, but society has yet to catch up. True, more than half a century of activism from members of the lesbian, gay, bisexual and transgender community has softened social attitudes to sexual orientation and gender. Many societies are now comfortable with men and women crossing conventional societal boundaries in their choice of appearance, career and sexual partner. But when it comes to sex, there is still intense social pressure to conform to the binary model. (2015)

From this perspective, it is the social ideas of gender that are more stubborn than the biological ideas of dimorphism, neither of which are 'real'. The corollary of this is that maintaining biological sex arbitrarily reifies binary gender, Ainsworth concluding that 'if biologists continue to show that sex is a spectrum, then society and state will have to grapple with the consequences, and work out where and how to draw the line' (2015).

It is the strength of the social or cultural elements of gender that explain why dismissing non-binary and genderqueer outright as only individualism is a tautology. In the model of performativity, everything is not reduced to the individual, gender, especially cisgender, is not something that can be thrown on and off at will, but rather it is a fundamentally interpersonal and collective endeavour, which is also in turn maintained by institutions and structures. That is why the mockery of 'identifying out of oppression' so misses the point of expanded genders. Most strongly, Butler has proposed that gender is so constitutive to humyn-ness in our current cultural frame, that we cannot be without doing gender, it is one of 'the conditions of intelligibility ... by which the human is recognised' (2001: 621).

The notion of cultural resources, somewhat interchangeable with Butler's 'grid of intelligibility' is instructive here. Adapted to apply specifically to gender by Nicholas (2014) from Margaret Archer's concept along with Archer's notion of the 'fund of ideas' (2000:273), gender categories and ways of being or understanding oneself and one another can be understood as cultural resources that can be taken up by individuals and only really gain meaning when they have some kind of collective cultural consensus and understanding. In turn they may then become institutionalised. This is indeed what is happening with non-binary. And the increase in people using these identities, descriptors and pronouns demonstrates that there is something enabling about them. Succinctly articulating the necessity of identity politics, naming and of 'cultural resources' necessary to understand oneself, Linda Hawkins, co-director of the Gender and Sexuality Development Clinic at Children's Hospital of Philadelphia is quoted in the *New York Times*, 'Looking back, there were always nonbinary kids, but it's only in the last few years that there has been the language — language to not feel alone, to have a flag.' (Bergner 2019)

Socialist and 'gender critical feminist' approaches negate the level of cultural norms and recognition, demonstrating a subordination of these to the economic level. A key limit to many of the accounts above is the intellectual bankruptcy of reductions to either individualism or structure that critiques often take. Ideas that

we are seeing a ‘gender revolution’ through an expansion of individual identities do, often, over-privilege the potential power of individual agency. As so succinctly articulated in Risman’s model of gender as a social structure, gender fundamentally operates at the individual, interactional and institutional levels (2004). On the other hand, some trans-exclusionary accounts, as well as re-essentialising sexual difference, over-privilege the structural level, negating that it is individuals that create and perpetuate these. Thus, in this framework, identifying as a gender that is something other than one of the binaries makes sense as the most enabling individual cultural resources available.

Both / and: strategic essentialism and double vision

In all my philosophical writing, what I do try to do is to expose abstract overgeneralisations to the untidy complexity of actual human experience. It’s particularly worth doing with trans-gender lives and identities. (Chappell in Chappell & Lawford Smith 2018)

Binaries are a conceptual habit that are hard to shake, underpinning the development of ‘Western civilisation’ (Nicholas & Agius 2018). Ideas of generations are themselves oppositional ‘false antitheses’. This plays out in caricatures of second wave feminists as all essentialist, and third wave feminists as all individualists. Many of the positions taken in the approaches described above can be seen as playing in to the oppositionalising of ‘redistribution’ vs ‘recognition’ as described by Nancy Fraser (2005). Fraser also describes this as a generational opposition, with second wave feminism (in the Global North), as part of the New Left, opening up structural analyses of gender, and moving beyond purely class-based analyses of oppression. In addition, it is important not to forget that it was the ‘second wave’ of feminism that allowed for a more integrated analysis of the personal/political, noting how structural issues permeated our daily lives and sense of selves (Nicholas 2020). In Fraser’s account, there was then a ‘culturalist’ turn wherein feminism ‘reinvented itself as a politics of recognition’ and ‘neglected political economy’ (2005: 296). However, in Fraser’s view, neither ‘truncated economism’ or ‘truncated culturalism’ are the answer. (2005:299). It is the authors views then, that non-binary and genderqueer don’t have to, and don’t always, equate to truncated culturalism. Risman’s integrative model of gender as a social structure once again serves as an exemplar of how these perennial divides can be transcended without collapsing back into ‘false antitheses’.

Butler, and other queer theorists, who regard the structure/agency debate as too reductive, have advanced similar arguments illustrating that people have the capacity to both invoke identity and to be critical of it, rejecting the assumption that they are mutually exclusive subject positions. This both/and perspective is ethically ideal in a context of ‘constrained agency’ (Butler 1990), i.e. a world where we cannot ‘be’ without ‘being’ gender and where we need cultural resources to be understood. As Butler asks, ‘Who can I become in such a world where the meanings and limits of the subject are set out in advance for me?’ (2001, p. 621). In line with much queer theory, thinking through how abolishing gender may get rid of many of its associated

problems of the subordination and limited choices inherent to binary-based identity, Nicholas (2014) argued that to truly challenge gender, gender would need to become less pertinent in identity. However, rather than leaving the analysis in that utopian critique, they emphasised the extent to which there are no cultural resources for ambiguity such that, in the present social and cultural contexts, being not-gendered is not a real option. Thus, work needs to take place both at strategic, identity levels and also at more long-term, structural levels.

Nicholas's later work (Nicholas & Agius 2018) has returned to the ideological issue of masculinism as a discourse that pervades culture, such that many attempts to challenge the gender order collapse back in to it. Exemplary here is how androgyny is often coded masculine. Many feminist thinkers, such as Luce Irigaray (1985), argue that, in a world where male has been the default for so long, we exist in a 'male economy of discourses.' In her view, we need to first create a female economy of discourse, but this is not the end in itself. The end is a utopian third stage where sexual difference (note sexual difference, not gender) and its oppositions and hierarchies ceases to have meaning. Feminism and gender deconstruction are perfectly compatible, as argued by Huffer (2013). For many thinkers, activists and individuals, this tautology of feminist *or* non-binary / trans just does not exist. The two are not mutually exclusive and this has been articulated for some time, in many different contexts. Often, this is framed around solidarity around an *ethos* rather than a foundation, an ethos we will now elaborate.

The moral philosophical argument

For 'gender critical feminist' Lawford Smith, 'It's female people who are involuntarily subject to these oppressive and subordinating norms' (of gender) (in Chappell & Lawford Smith 2018). She nods to intersectionality in defence of being 'gender-critical' but also argues that there are conflicts of interest between groups oppressed by gender and that the best way to deal with this is to organise primarily around being 'female people' for whom the way that gender is imposed is most oppressive, unique (and presumably homogenous). However, this is a mischaracterisation and flattening of both feminism's history and theorising which has often been much more intersectional and solidarity based (McCann & Fela 2017). For example, 'misogyny' can more usefully be seen as the root cause of many manifestations of gender-based subordination (Dembroff, 2019b), and Lawford Smith's analysis can be understood instead as mistaking the outcome for the cause. Male homophobia and the violence resultant from it has long been understood as in large part about failure of men and boys to live up to gender norms (Pascoe 2008), and it is patriarchy and misogyny that underpins all attempts to police gender binaries. As Dembroff (2019b) argues:

Violence against nonbinary persons and transmen, discrimination against gay and gender-non-conforming non-trans men, and cosmetic genital surgeries on infants who are intersex are neither separate or separable from the violence, discrimination and body policing that non-trans women constantly experience.

Thus, for others, solidarity and a common relation to power has been articulated as a better foundation of commonality and political unity than homogenised identity which always results in exclusions. This premise is better placed to avoid reifying the foundations that cause much of the subordination in the first place. For example there are approaches to queer ethics (Nicholas 2014), that are based on coalition politics, best represented perhaps in Cohen's vision of a truly queer politics based on 'nonnormative and marginal position[s as a] ... basis for progressive transformative coalition work' (1997, p. 438). This mitigates against some of the risks of single-axis politics as when, for example, gay and lesbian rights were sought by distancing themselves from and at the expense of gender diversity in some conservative same-sex marriage campaigns (Nicholas 2019), or when people of colour and migrants are sidelined at the expense of gay and lesbian rights (Puar 2007). For Dembroff, gender norms are the enemy however one chooses to challenge them:

None of this is to deny the many means of gender resistance *within* the binary. It is powerful to insist that women and men should be able to look, act and simply *be* any way they want. Countless people identify as men or women while simultaneously bucking gender norms. For many of them, being understood as a man or a woman is important for describing how they were socialised as children, how others interpret their bodies, or how they feel about their own bodies. This is wonderful: the more sledgehammers we take to gender categories, the better. Some prefer to make these categories gooey on the inside; I prefer to torch them. There's enough room for all at the barbecue. (Dembroff 2018a)

Here Dembroff seems to be placing the ethic of autonomy as the primary aim, and gender norms as restricting this. Likewise, in evaluating the political and ethical potential of gender 'proliferation,' we propose considering it in terms of the political ethical feminist and human rights model of enablement or 'capabilities' (Nussbaum, 1997). Such approaches require enablement of the individual, but also concomitant enabling cultural and social contexts. Having demonstrated above that gender represents a restrictive context, then, anything that can expand this and make more enabling space is ethically preferable. Chappell likewise advocates that an ideal approach to other people's gender would be 'supportive non-interference' (in Chappell & Lawford Smith 2018). The question of respecting another person's gender neutral or proliferated pronouns, and their role as a symbol of acknowledging their gender identity, is illustrative here. Furthermore, uniting around an ethos rather than an identity can mitigate against some of the problems of identity politics identified by queer theorists.

Ultimately, in Nicholas's previous work (2014), the normative yardstick of enablement has been used to distinguish desirable and undesirable modes of being and understanding. If one person's mode of being negates another, it must be assessed as unethical. This is an argument often made by TERFs, that there is a conspiracy of genderqueers seeking to outlaw identification as a woman (Gupta 2017) which misrepresents the call for the addition of other identities. However, it is the case that, at times, these same TERFs do wish to put a stop to diverse genders, negating them and using pronouns that are at odds with their identities (Jeffreys 2014)

For Dembroff and Wodak, adherence to another person's chosen pronouns is justified on several moral accounts. Notably, the wilful misattribution and misgendering practiced by TERFs, while done in the name of structural analysis, downplays the interactional level of gender, the extent to which 'gender identities ... provide others

with a guide or blueprint for interpreting one's behavior and speech' (2018: 377–8). As discussed above, the TERF account is that gender is socially constructed but that the categories of men and women are biologically real. Contemporary biology and feminist theory has largely debunked the idea of a binary sexual difference, leaving the outcome of their actions only the reification of cultural binaries that in turn reify gender norms. In terms of weighing up pragmatic solutions to this bind of mutable sexual difference but an ongoing cultural commitment to gender identity as a prerequisite for subjective intelligibility, Eric Vilain, a clinician and the director of the Center for Gender-Based Biology at the University of California states his normative position in Aisnworth (2105) as follows:

My feeling is that since there is not one biological parameter that takes over every other parameter, at the end of the day, gender identity seems to be the most reasonable parameter.

That is, gender identity is a more enabling marker than the imposition of culturally constituted categories of sex. This echoes Butler's conclusion that, ultimately, the best we can do is go by somebody else's word: 'To do justice to [someone] is, certainly, to take [them] at [their] word, and to call [them] by [their] chosen name' (Butler 2001: 630), whilst remembering that 'when one [everyone] speaks, one speaks a language that is already speaking, even if one speaks in a way that is not precisely how it has been spoken before' (Butler 2001: 631).

In fact, Dembroff and Wodak go one step further, arguing that, beyond using a third catchall such as 'they' pronouns for anybody who does not use s/he or proliferating pronouns, the just thing to do would be to use gender-neutral pronouns for everyone as default to avoid 'linguistically coding a gender binary' (2018: 398). For us, this argument fits with the perspective that the proliferation of gender is indeed a 'clear path' to reducing the significance of gender. Gender becomes so proliferated as to become meaningless in terms of minority group orientations. It becomes (dare we say it?) individualised in a way that transcends generalisable categories.

If we take the gender critical premise of transcending gender seriously, then the logical conclusion is to minimise the significance of gender in identity, interaction and institutions. Therefore efforts towards gender neutral language are ethically preferable and politically effective for both feminist and queer ends. Additionally, using gender-neutral pronouns for everybody avoids the problem of disproportionate responsibility for undermining gender stereotypes falling on those whose presentation challenges them. As outlined above, many 'gender critical' feminists claim that non-binary reifies gender binaries and suggest we challenge ideas of gender stereotypes but are less often seen fundamentally doing so.

Those who 'happen' to present in gender normative ways ceasing to use gendered pronouns would be a step in this. Given that 'linguistic markers of gender play a role in communicating harmful beliefs about the nature and social significance of gender identities' (Dembroff & Wodak 2018: 395), use of non-gendered language reduces the significance of gender in situations where it really has none (as in most uses of pronouns of gendered language). Normatively gendered people, in this view, need to justify why they should *not* take some of the responsibility given that 'it is much more likely to fall to vulnerable individuals ... to challenge the presupposition...[of a referents gender identity]' (Dembroff & Wodak 2018: 394):

... we think that it is a challenge for anyone who wishes to defend gender-specific pronouns to explain why we should communicate that others' gender identities are always relevant when we recognize that we should not communicate that other facts about others' social identities (race, weight, religion, class, and so on) are always relevant. (Dembroff & Wodak 2018: 398)

Conclusion

We have argued herein that non-binary and genderqueer identities are neither the answer to liberation nor a threat to feminism, but we think there are compelling arguments as to why they are ethically and politically important as well as being rational ways to navigate through the current restrictive ontological reality. Nevertheless, like any identity, they are always at risk of closure and congealing into norms and exclusion. That is, like any subject position, they are not *inherently* anything, they are both enabling and disabling (Nicholas 2014). Ultimately, we argue that the expansion of gender categories is not at odds with a commitment to reducing the salience of sex/gender and even getting rid of it. We have shown that the 'multiple gendering' approach is more compatible with such an ethical commitment and aim than is the recent phenomenon of biological reification occurring with 'radical' feminist discourse that claims to be structuralist in its analysis, but ultimately collapses back in to binary biology.

It is a shame that we cannot be pleased that young people are talking about, challenging and reinventing gender for themselves, that gender, subordination and oppression are in their vocabularies. To discredit people who identify with non-binary or genderqueer in the disparaging tone of intellectual snobbery that has emerged in contributions on this topic can be read as replicating a masculinist discourse, a dominant epistemology that claims a privileged access to the Truth of gender in a messy lived reality. Perhaps this can be understood as a hangover from the masculinist, enlightenment tradition from which philosophy emanates, but thinkers on this topic would do well to take heed of the lessons of feminist forbears who call for valuing standpoint, and listening to the other in a way that is led by them.

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Transgender embodiment: a feminist, situated neuroscience perspective.

Reubs Walsh and Gillian Einstein

Abstract: The policing of boundaries of acceptable sexual identities and behaviour is a recurring theme in numerous marginalities. Gender (especially womanhood) is often instantiated socially through the harms to which members of that gender are subjected. For transgender people, the assumption that genitals define gender translates the ubiquitous misapprehension that genitals and sex are binary into an assumption that gender must also be binary. This circumscribes the potentiality of cultural intelligibility for trans gender identities, and may interfere with the ability of transgender people to select the most appropriate medical and social means of expressing their authentic identities, even altering what is possible or appropriate, thereby curtailing trans people's authenticity and freedom. We therefore distinguish social from bodily aspects of gender dysphoria, proposing a model of their distinct, intersecting origins. We explore ways in which transgender medicine reflects aspects of other gendered surgeries, proposing a biopsychosocial understanding of embodiment, including influences of culture on the neurological representation of the body in the somatosensory cortex. This framework proposes that cultural cissexism¹, causes trans people to experience (neuro)physiological damage, creating or exacerbating the need for medical transition within a framework of individual autonomy. Our social-constructionist feminist neuroscientific account of gendered embodiment highlights the medical necessity of bodily autonomy for trans people seeking surgery or other biomedical interventions, and the ethical burden therein.

Keywords: Cultural Neuroscience, Somatosensation, Feminism, Neuroplasticity, Surgery.

Introduction

A recurring problem for many marginalised groups is the ubiquitous trend to use sex and sexuality as a site for sensationalism and moralisation (Inckle, 2010). The barriers to equitable societal circumstance for stigmatised sexual expressions – lesbian, gay, bisexual and queer (LGBQ) people and sex workers – centre on a social construction of a norm defining the acceptable nature and context for sexual congress, the boundaries of which are policed by public and private discourses (e.g. Herek, 2009)

A similar and well-documented issue exists for transgender people (e.g. Serano, 2009) for whom a focus on their genitals as the site of gender identification polices their gender. One outcome of this is that, because genitals are socially constructed as binary, (Hird, 2000; 2004; Fausto-Sterling, 1992; 2000; Fausto-Sterling, Coll & Lamarre, 2012) sexual identifications are viewed as binary and trans individuals are expected to tell a story about their 'transness' that is *either* male *or* female (Butler,

¹ Cissexism refers to a system of beliefs and values, dominant in a majority of modern-day cultures, that positions cisgender bodies as more legitimate, particularly as embodied expressions of gender.

2001; Galupo, Henise & Davis, 2014; Vincent, 2016) . This constrains gender and allows a very small box in which to fit one's identity, and may lead to trans patients being indirectly pressured into a more binary gender and transition than best suits their identity (Vincent, 2016; Lykens, LeBlanc & Bockting, 2018; Taylor et al, 2018; Ellis, Bailey & McNeill, 2015).

These assumptions are born of the cornerstone misconceptions of cissexism: (i) that in a state of natural good health the human body is sexed in a dichotomous way that has only two forms (c.f. e.g. Fausto-Sterling, 1992); (ii) that the sex of the body is directly equivalent to the gender of the person (Kessler & McKenna, 2013). According to these assumptions, genital anatomy is sufficient to identify and classify the sex of the person (i), and therefore their gender is also so defined (ii).

Living life as a transgender person in a society working from this framework means your perception of yourself conflicts with the combination of society's dominant narrative about gender, and the body you occupy. This is most saliently expressed when somebody misgenders you, and in the distress that this evokes (McLemore, 2015). An informal distinction is sometimes made between social and bodily dysphoria (Finch, 2015). Social dysphoria is the distress reported in association with being misgendered (McLemore, 2015; 2018) either behaviourally (such as by using an inappropriate pronoun), or (perhaps more frequently for people who have socially transitioned) the inferred or anticipated perception of ones gender held by a third party; in sum, trans people's distress at the incongruity between their gender and the content of other people's perceptions of them as gendered beings. Bodily dysphoria is the distress reported in association with bodily traits and features (Owen-Smith, 2018) that conflict with the individual's perception of what a gender-congruent embodiment would mean in their case. For many trans people, this includes a kind of proprioceptive dissonance, where physical sensations from the body conflict with the neurological body map (Ramachandran and McGeogh 2008).

It is the interaction between social dysphoria, bodily dysphoria, and cultural cissexism that we will examine here, especially in relation to non-binary gender identities, and the political and ethical significance of these processes. This article will therefore discuss ways in which cultural conceptions of gender and sex are constructed and distorted by bioessentialist discourses and the consequences this has for the perception of one's body, and the actions one may permit or undertake to alter it. We will then discuss the significance of this process in the context of nonbinary gender identities, especially in medical settings, and the practical and ethical consequences of this reconceptualization of the processes of gender dysphoria for the treatment of transgender individuals, both medically and politically.

Bioessentialism and Instantiation

An outcome of cissexism is that the practice of transitional medicine becomes engulfed in a focus on sex/gender binarism which then corrupts both research and clinical practice. For example, a majority of standardised diagnostic questionnaires for ascertaining gender identity are built on an assumption that desires for surgical

and endocrinological transition will be central to the experiences that define a person as trans. These questionnaires may therefore fail to highlight other perhaps more important factors in the experience of gender identity such as social dysphoria (concerns with how one is perceived by self or others, in respect of one's gender (Nicholas, 2019, van de Grift et al, 2016)), or the surprisingly prevalent forms of gender variance which do not conform to the dominant narrative of trans genders, and in which gender identification contrary to assigned birth may not present dysphoria of the sort these surveys tend to anticipate (Richards et al, 2016). For example, upwards of 35% of apparently cisgender individuals questioned with a non-dichotomous gender identity questionnaire identify to some extent as the 'other' gender, both or neither (Joel et al., 2013).

Thus, another assumption that needs to be challenged is that identification *with* a gender (in terms of group identity or perceived traits) is the same as identification *as* a gender (personal identity), and that either of these implies a particular sex-identity, or even a particular neurological body map, a phenomenon we will discuss shortly.

Using feminist principles such as a mixture of approaches which blend reflexive awareness of the *personal* narratives of participants (first person), and the *interpersonal* spaces in which interviews and physiological examinations took place (second person), with the *impersonal*, traditionally "objective" measures of physiological states and changes (third person) Einstein (2008; 2012; see also Jacobson et al, 2018) examined the neuroplastic changes beyond the genitalia that followed FGC in a group of Somali-Canadian women living in Toronto. She called this 'situated neuroscience' and through this mixture of methods she was able to bring the subjective under scientific scrutiny – a platform previously reserved for 'objective' observations – or rather, observations made through the hegemonic and consequently hidden subjectivity of white, cis-het, male privilege (Harding, 2002; Walsh, 2015).

Drawing on the theoretical frame of this work, important conceptual parallels and contrasts may be drawn between trans people who seek or have undergone surgical changes to their bodies that reflect their sex-identity and women with female genital circumcision/mutilation/cutting (FGC), showing that the focus on genitalia as determining gender creates categorical binaries that haunt other groups as well. In fact, on some accounts and cultures, FGC is carried out in order to *instantiate* a gender binary where one was not thought to exist prior; establishing gender by modifying the genitalia is one important reason given by the women Einstein (2008, 2012, Jacobson et al, 2018) interviewed about their experiences of FGC. One woman said, "circumcision is what makes one a woman because by removing the clitoris, there is no way her genitals will look like a man's..." (Einstein, 2008; p.88).

The willingness to take such measures to define and restrict gender demonstrates its perceived importance in these – and indeed in most, if not all – human cultures. It is important to note that these may seem like extreme solutions through a naturalised Global North frame; however, the Global North also enforces gender in violent ways and reconstructs that violence as beauty and identity instantiation. One strikingly similar instance is the mostly-western practice of surgically altering intersex infants' genitals (Holmes, 2002) to make them conform to a binary construction of sex (Roen, 2004; 2008; Doyle & Roen, 2008). The cultural roots and rationales for these treatments are of course profoundly different in important ways, but the

similarities are nonetheless interesting here. Human beings have a strong tendency to categorise (e.g. Hofstadter & Sander, 2012; Rosch et al, 1976), and gender is no exception (Fausto-Sterling, 2000). These interventions are justified by appeals to the framework of gender that we have characterised as the misconceptions underlying cissexism, and concerns about the possibility of a life outside of this framework (as an intersex person or an “uncircumcised” woman) (Ehrenreich & Barr, 2005, p.115). This echoes Judith Butler’s (2001) observation that the viability of one’s identity is contingent upon being culturally intelligible. For some women Einstein (2008, 2012) interviewed, such as the participant quoted above, FGC is about instantiating gender – and perhaps on some level creates a sense of beauty and order – and consequent intelligibility – where they would otherwise perceive that to be absent (Jacobson et al, 2018)

This way of enforcing a gender binary creates hurt and damage in many, and there are many different views on FGC among the women who have it. Mariya Karimjee writes about her personal experience of FGC in her autobiographical essay “Damage” (2015): “I told my grandmother that FGM had ruined my life, and I wanted these women to know it.” In turn, women with FGC face similar issues as trans people vis à vis researchers’ and clinicians’ preoccupation with their genitals – and perhaps a consequently diminished attention to their mental wellbeing (Obermyer, 2005; Einstein, 2008). The parallel between FGC and western surgical practices instantiating an idealised female embodiment is that they intervene upon the genitals not because of the properties of the genitals themselves, but their social significance as signifiers of gender (Green, 2006). This can be seen through the lens of “cultural genitals” – not the anatomical fact of the genitals themselves, but the genitals that culturally “ought” to be present (Kessler & McKenna, 1946). These surgeries are motivated by a desire to align their anatomical genitals with (an idealised version of) their cultural ones. Cosmetic labioplasty and breast augmentation in cisgender women, as well (to some extent) as other forms of cosmetic surgery, are likewise acting on the body-parts in question not because of some direct, intrinsic relevance to the emotional needs of the patient but because of their social significance, and the impact of that signification on the embodiment that the patient desires or needs (Haas, Champion & Secor, 2008; Henderson-King & Brooks, 2009). This understanding of the influence of social signification on the psychology of embodiment is crucial to our conceptualisation of transgender patients seeking medical intervention intended to help instantiate an identity-congruent gendered embodiment.

Some trans individuals identify an aspect of their brain (somewhat or sometimes in its relation to their society) that requires them to modify their bodies, thus involving the brain and nervous systems in these performances of gender (e.g. Darke & Cope, 2002; Lester, 2017; Serano, 2009). Phantom genitals are an extension of the concept of “phantom limb syndrome” in which amputees experience the presence of, and often pain or itching in, the amputated limb long after its removal, often for many years or even the rest of their lives. Therefore we will use the term “phantom genitals” to refer to the subjective experience (in the bodymap, see below) of possessing genital anatomy that one nonetheless is consciously, cognitively aware is not present. Phantom genitals in pre- and post-surgery trans persons as compared to cisgender persons with similar modifications to their body for other medical reasons

(e.g. penectomy for the treatment of cancer), has shown that the presence of such a phantom is positively correlated with the extent to which the individual identifies with those genitals and their functions as social signifiers of gender (Ramachandran and McGeogh 2007). In these cases, surgery (or other interventions) are used to instantiate in the body (or its social signifiers) a gender that is subjectively known already be present in the self. The anatomical reality is made to better resemble the cultural genitals (Kessler & McKenna, 1946; Lester 2017). There are also those who feel that they needn't alter their bodies to be embodied as their identified gender, seeing the issue as the misconceptions others have about bodies such as theirs (Carroll, Gilroy & Ryan, 2002). While empirical data on this is relatively lacking, clinicians and community members recognise that this is the case (Lopez, 2018) and indeed, it is reported by those who feel that they were pressured by gender clinicians to undergo treatments they neither needed nor wanted, to satisfy the clinician's desire that their body fulfil social expectations about gendered embodiment (Vincent, 2016; Dhejne et al, 2014).

These two groups may in some ways be seen as parallel to FGC survivors who regard the practice as either a necessary instantiation of gender, or a cruel violence (respectively)². In the context of FGC and intersex infant surgeries, these positions cannot be easily reconciled in terms of policymaking. Policies that seek to curtail the use of FGC may be supported by survivors who experienced the practice, and its subsequent effects, as a violence, but those for whom it was an affirmation of social, religious or gender –identity/ies will be likely to object, understandably viewing such interventions as at best, hypocritical, and at worst, imperialist. Meanwhile policies which permit FGC, or perhaps enable the medicalization of FGC, will produce justified anger in adult survivors of FGC who see the violence they suffered as children perpetrated on another generation. This stands in contrast to the equivalent points of view in the context of transitional gender medicine. We will argue that for transitional medicine, it is possible, and indeed necessary, to view many or most instances of gender-affirming surgical interventions on trans bodies as *both* a product of a culture that perpetrates violence on the basis of gender and its signifiers, *and* a necessary treatment enabling the individual to control the ways in which their embodiment genders them, alleviating serious harms that would arise in the absence of that treatment. These harms are secondary to the initial injury, which is the conditioning of a cissexist society. We will argue that the root of this difference is in the ethical context of the two practices. Neither Karimjee, who told her grandmother how deeply she resents it (Karimjee 2015; see above), nor those who do not, were in a position to consent or dissent to the FGC they experienced, and likewise intersex infants cannot consent to the surgeries that are often inflicted upon them. Trans people, whose surgical desires are often constructed in the popular imaginary as running contrary to “normal” gender expression, are all too often made to fight against unsympathetic legal and healthcare systems in order to gain access to our treatments

2 FGC is a deeply personal as well as profoundly political phenomenon. Readers interested in the topic are referred to Nimco Ali's excellent book, “What we're told not to talk about – but we're going to anyway” (2019) which draws on first person accounts to bring nuance and dimension to this difficult and important topic, and many interconnected issues.

(Pearce, 2018) – not so much “enthusiastic consent” as desperate, determined and insistent consent.

Cultural Intelligibility and Trans and Non-Binary Genders

“Sex” is, thus, not simply what one has, or a static description of what one is: it will be one of the norms by which the “one” becomes viable at all, that which qualifies a body for life within the domain of cultural intelligibility. (Butler 1999: p2)

The ubiquity of cultural cissexism (Gilbert, 2009; Nicholas, 2019) creates a discursive limit on the range of intelligible gender identities that are possible, with binary identities (man and woman) as the frames of reference for all remaining identities. Even the title of this special issue, and the self-definitions of many of its contributors, uses the term “non-binary,” a term which initially communicates identity primarily in relation to what one is not, linguistically centering a negation. This suggests that the extant cultural conceptions in this area are limited and perhaps somewhat unstable. Consequently, a culturally unintelligible gender identity may pose a very real clinical challenge because how can one routinely be perceived as a gender that most people have never before imagined (Nicholas, 2019)? By definition, one cannot, and so instead the task becomes to find a comfortable state that meets the dual needs to be authentic and to be comprehensible. This runs against the trans community’s dominant perception of utopian transition process(es) as a kind of coming out, or self-disclosure and self-determination – a social-first approach – with very few assumptions about bodies attached (e.g. Hines, 2006; Pearce, 2018).

The uphill struggle to access gender-affirming (and perhaps instantiating) medical care is further exacerbated among those transgender patients whose treatment needs are – to a greater or lesser extent – incompatible with the binarist model of gender that pervades our society in general and institutional medicine in particular (Fausto-Sterling, 1992; Hird & Germon, 2001; Hird, 2004). We may even find ourselves unintelligible to gender-specialist clinicians, conditioned as they (too) are by cissexism (Vincent, 2016; Pearce, 2018). One need only attend a clinician-oriented transgender health conference, such as WPATH (World Professional Association for Transgender Health) to realise that a vast majority of clinicians working in the transgender field are cisgender. A majority of gender identity consultations may therefore be described as a cisgender person whose education or clinical experience *may* have forced them to re-evaluate some of the assumptions cissexism conditioned them with, making a determination with or (in gatekeeping contexts) about a transgender person, on whether their gender identity is valid, and how best to instantiate it (e.g. Coleman et al, 2012). This compounds the power imbalance of clinician-patient interaction with the socio-political power of cisgender privilege, and through this power, whatever cissexism the clinician may retain despite (or possibly from) their medical education becomes part of the landscape of the consultation and may have a deleterious influence on decisions and insights obtained though such a consultation at least in part due to this issue of intelligibility (see, e.g. Vincent, 2016; Pearce, 2018). In countries where such medical provision is even available, clini-

cians need only omit to raise the issue of a non-binary presentation and identity for the dominant narrative of both gender and trans as intrinsically binary to lead to less informed patients being indirectly pressured into a more binary gender presentation and transition than may best suit their identity (Ehrensaft et al, 2018; Dhejne et al, 2011; Vincent, 2016). In a more extreme example, in many countries not only does legal gender recognition require one to (for legal purposes) identify with a binary gender, but recognition is conditional upon surgical and/or hormonal interventions that are therefore (implicitly) perceived as instantiating the gender (WHO, 2014a). Further, in some jurisdictions a specific requirement of infertility/sterilisation is imposed (HRW, 2019), with other jurisdictions, including EU and USA member states, implementing the requirement indirectly (TGEU, 2017; EHRC, 2017; MAP, 2019). This could be viewed as an attempt to erase the perceived gender instantiation of the inborn mode of reproductive capacity, related to a reification of gender (especially womanhood) in terms of reproductive roles, and the eugenic undertone of such a policy seems politically dependent upon the stigmatisation of trans communities.

There therefore remains a focus on gender-related surgery, particularly genital surgery, as the basis of gender transitions, rather than the act of self-identification as a particular gender, binary or not. This in turn reinforces transphobia in society's gender discourses, as well as our own internalised transphobia, that trans people are fundamentally an inauthentic facsimile to the gender with which we identify (Serano, 2009). This contributes to social dysphoria (McLemore, 2015; 2018), and focusses that dysphoria on the genitals until they become the focus; on a socio-emotional level, reasoning that "if only my body matched what people expect from a (man/woman), then I will feel real, then I will be able to have a normal life". Thus for at least some trans people, it is possible that the need for medical intervention on the gendered appearance of their embodiment is a result of cissexist discourse; a discourse to which trans people are unlikely to subscribe. That is to say, the social gender dysphoria as created by a cissexist society may be a sufficient (but not necessary) condition for bodily gender dysphoria to emerge.

The ways in which sex-related biology (e.g. sex-related growth hormones such as testosterone and estrogen, but also subtler factors that may be more closely related to gendered and sexed identities; Kruijver et al, 2000; Swaab, 2004) influence the biology of the brain (sex-related neurological differences) may well have significant influences on the brain's representation of body-shape (i.e. bodymaps, and in particular genital or otherwise gendered parts of the bodymaps; Fausto-Sterling, 2011; Ramachandran and McGeogh 2008). It is possible therefore that trans people's bodymaps are either less similar to those of cisgender members of their assigned gender, have more neuroplasticity (the ability of the brain to change in response to environmental influences) for longer, or both. It is therefore not only the biological basis of gender identity, but also the social processes of cissexism (via neuroplastic processes) that have the capacity to influence these maps to create embodied dysphoria. It should be mentioned however that these bodymaps have been studied barely at all outside of cisgender, adult men.

Consequently there could be many trans people who might otherwise be entirely happy presenting their authentic gender with little or no medical intervention who are coerced into undergoing major surgery. Not by any one person, but by the social

environment, as Einstein (2012) has said, “writing on” the body through the brain until the genitals themselves, despite having no physical changes at the peripheral level (but rather at the level of the brain), become pathologically misshapen even while their shape is unchanged. For a majority, this writing-on must happen during windows of plasticity, and thus by the time the majority of surgery-seeking trans people come out, their need for genital surgery has been present for some time – albeit hidden, possibly even from themselves. Only after all this indirect coercion do trans people begin to seek the very thing into which some of them may have been coerced, and so it is probably impossible (and certainly trivial) to distinguish on the individual level between those people who have been coerced into wanting something and those who would have desired it equally in a society more adapted to support, accept and understand the realities of trans identities and bodies.

Cissexism can therefore be understood as including the production of a collection of microaggressions that enact a violence against the mind, and thereby, the body. By recognising this, we can reconstruct transition as a social process of ‘coming out’ as one’s gender, and a radical act of personal and political autonomy, but one which is often distorted by the social processes of cissexism creating or exacerbating dysphorias which call for biomedical intervention. Furthermore, cissexism participates as part of the wider systems of gender-policing. The need to survive gender-policing may motivate and in many cases even necessitate cosmetic surgeries sought by cisgender people (especially women), and provides the socio-political context in which non-consensual FGC and intersex infant genital surgeries may be perceived by family members and medical or religious practitioners as “in the patient’s (or child’s) best interest” when there is ample evidence that it frequently causes distress, resentment and medical harm (WHO, 2014b; HRW, 2017).

Ethical consequences

This way of understanding the influence of society upon the individual has profound effects for considerations of the ethical issues surrounding the treatment of transgender patients, because it highlights how society’s cissexism can generate or exacerbate all the forms of dysphoria that have been discussed here. If human bodies are being changed within and through the nervous system by a society to need morphological adjustments to make our sex and gender more visible, then the bodily autonomy trans people are often denied when seeking treatment is a further violation following the social processes that have enhanced or even at times created the necessity for that treatment. We must begin to regard cissexism (and indeed all prejudices) as an endemic violence, and the injury it causes – trans people’s distress at the incongruity between their gender and other people’s expectations about gendered embodiment – although a state of disease, can be understood as a rational response to an irrational world. Given this, hate speech comes to constitute in the speech-act itself, visceral, physical violence (Bourdieu, 1979; 1989; McCall, 1992; Link & Phelan 2001, Zizek, 2008). More significantly, though, policies which reinforce cissexism – such as the use of gender as a medicolegal category nonconsensually assigned at birth,

or the refusal to include non-binary identities in contexts where gender-definition is necessary and useful, perhaps especially in healthcare, are areas where institutions reinforce and further perpetuate these violences, often against those for whom they have a duty of care.

In order to optimise the outcomes for trans people's healthcare, in addition to tackling transphobic hate speech we must ensure that the surgeries are chosen by the individual in a flexible way that centres on their own perceptions of their body, rather than others' perceptions; this is not to say that others' perceptions are not a valid reason for someone to choose a particular surgery, but those choices must be contextualised by, and ultimately secondary to, the needs of the individual that persist in the absence of what we may term 'the cisgender gaze'. There may well be reasonable clinical arguments in favour of a certain degree of pro-binarism in consulting and advising transgender patients (to cultivate or preserve cultural intelligibility; to alleviate the distress that defines gender dysphoria, it is often necessary to 'pass' as the gender that you are, not necessarily as a cis member of that gender, but as a member of that gender nonetheless). At present, however, the medical model of gender dysphoria typically places an emphasis on a binary transition (Pearce, 2018; Vincent, 2016, 2018) that is incompatible with the intrinsically personal and poly-spectral nature of gender, especially gender as experienced from outside the cisgender privilege-bias: removing this emphasis on 'passing' and binary transition may be the best way to minimise the likelihood of poor clinical outcomes of a particular decision to undergo or decline to undergo a particular surgical intervention, rather than the current approach which is to delay and avoid treatments where the patient's goal violates the binary expectation.

Transgender patients need space to explore gender identity independently from the pressure of cissexism. Methods such as gender-literacy then facilitate a process whereby the identity can be deliberately negotiated in relation to embodiment and the need (or indeed the refusal) to be intelligible within the present culture (Walsh & Krabbendam, 2017). For this process to be possible, freedom of choice and independence from gatekeeping are indispensable. It must be the responsibility of healthcare providers to ensure patients are making sincere choices, as freely as possible (the delimiting effects of cissexism on that freedom are impossible for clinicians to remove of course, but they can refuse to perpetuate or produce such constraints by their own actions). These choices need to account for all needs, including those created by cissexist social discourse, and endogenous needs (e.g. sexual and reproductive function, the desire to retain sex characteristics usually associated with their assigned gender) that may oppose those. Trans people need to make a free choice about this with gender clinicians' duties being to create space for, and to prompt consideration of the roots of desires and which desires they wish to prioritise. However, this is not about gender clinicians holding the responsibility to direct or veto trans patients' decisions. If a patient is certain after having been prompted to consider these factors, then it is a violation of medical consent to withhold care.

Furthermore, the resources must (primarily) come from the society whose cissexism is making these needs urgent and inescapable, even after in some cases, creating the medical requirements. Therefore in countries with nationalised healthcare, this should cover trans healthcare. In countries using an insurance system, insurers

should be required to cover the full expense of trans healthcare on every policy, and uninsured persons should be able to access care via medicare or an equivalent. There are also practical, harm-prevention reasons for this; trans people may become desperate, and turn to untenable methods of resourcing their treatment, including unsafe sex work practices or criminal activity (e.g. Sausa, Keatly & Opario, 2007; Gehi & Arkles, 2007). This also has consequences for the (il)legitimacy of gatekeeping. In nationalised healthcare systems, gatekeeping is often ‘justified’ by the cost of transitional care, and the cost of retransition in those (2.2%, including many whose retransition is motivated by a desire to escape transphobia (Dhejne et al, 2014; Serano, 2016; Hertzog, 2017)) who may later choose to return to their birth-assigned gender. A defendant in a civil suit, ordered to pay damages to the wronged party has no right to dispute the appropriate allocation of those funds. It is worth saying that in this context, other medical needs may, under some systems of funding, suffer cuts as a consequence. This also cannot be considered ethically acceptable under any framework viewing healthcare as a moral right. (However the allocation of funds to a healthcare system over alternative priorities is a matter for governments and not the subject of the present paper). Therefore, to pit transgender-specific health needs against health needs that cis and trans people alike require is not an adequate political excuse for inadequate allocation of funds. This can lead to (for example) unreasonable waiting-times for care as is currently a common issue in many countries (Torjesen, 2018).

Conclusion

In the present paper we have presented an argument that blends feminist philosophy with neuroscientific principles and observations to enable a reconceptualisation of the experience of bodily gender dysphoria in trans persons as (at least potentially, and therefore for ethical purposes, principally) a manifestation of the harm that a cissexist society does to the neural representation of the embodied self. Consequently, we have argued that transition is best understood as a process of “coming out” as ones gender, and that medical aspects of transition are necessary because the social construction of gender in general, and cissexism in particular, impinge on the subjective reality of embodiment and its relation to ones subjectively known (identified) gender, and medical intervention is required to reduce or halt and, in effect, reverse this harm. We have explored the ways in which this collides with issues of cultural intelligibility in differing, but in many respects equivalent, ways in both binary and nonbinary –identified trans people, and how this influences the negotiation of identity and decision-making about embodiment. Finally, we have argued that this synthesis of bodily gender dysphoria as a consequence of, at least in part, cissexism, places an ethical burden on wider society to facilitate decision-making by trans individuals within their own bodily autonomy during medical transition that is as free as possible both in the process of clinical assessment and in the allocation of cost, in consideration for the harm the patient has already suffered at the hands of a cissexist society.

Acknowledgements

The authors would like to thank the reviewers, the other members of the roundtable, and guest editor Lucy Nicholas, as well as Peta Evans, Marshall Robbins, Rachael Ewins and Lydia Krabbendam for their helpful observations and suggestions and for supporting this work.

Funding

This work was funded in part by a European Research Council Consolidator Grant (Grant No. 648082).

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Sexuality in a non-binary world: redefining and expanding the linguistic repertoire

Ynda Jas

Abstract: In this paper I consider how recognition of non-binary identities and trans people more broadly might require us to revisit the vocabulary of sexuality prevalent in the Anglosphere. I begin by examining the relationship between (neo)liberalism and inclusion practices. I then discuss linguistic innovations arising from the asexual (and aromantic) community before using data to highlight issues around trans and non-binary inclusion that exist with the current language. Next I use speculative, philosophical reasoning to break down what lies beneath sexuality when language is taken out of the equation, exploring identity, aesthetics and morphology. On the back of this exploration, I consider the question of how to distinguish fetishes and attraction, and what counts as sexuality. In the final two sections, I suggest which areas of the language might require revision to be trans-inclusive and reflect what lies beneath sexuality, and highlight a few cautionary concerns to be taken into account when considering the potential for language change. My exploration is primarily theoretical and philosophical in nature, but I complement and motivate my exploration with a small amount of data from my own original research on contextualised identity construction through speech by non-binary and other queer people in Southern England.

Keywords: sexuality, gender, transgender, non-binary, language

Introduction

While sexuality categories beyond lesbian, gay, bi and straight have not necessarily become widely understood beyond queer communities, they have at least begun to achieve somewhat mainstream visibility. In 2014, for example, popular dating app/website OkCupid expanded its options for sexual orientation to include such categories as “asexual, demisexual, heteroflexible, homoflexible, pansexual, queer, questioning and sapiosexual” (Buchanan 2014). Within these categories there is recognition of different levels or lack of sexual attraction (asexual), different motivations or requirements for sexual desire (demisexual; sapiosexual), fluidity (hetero/homoflexible), more than two genders (pansexual), uncertainty (questioning) and – arguably – ableism (sapiosexual; see e.g. Blum 2016; Moss 2015).

Using Google Trends, a tool that tracks the popularity of search terms over time starting from 2004, a gradual but clear upward trend in the terms asexual, demisexual, heteroflexible, homoflexible, pansexual and sapiosexual is observable (based on worldwide data). Asexual, demisexual, heteroflexible, pansexual and sapiosexual started to show consistent growth from around 2010–2012, with demisexual and sapiosexual appearing to be almost entirely unused before 2011, while homoflexible gained increased popularity from around 2014. These similar patterns of growth are not simply a quirk of Google Trends (e.g. all search terms experiencing growth

from around 2010–2012): queer shows a downward trend from 2004 to 2008, then relative stability since (except for a few spikes in 2018); bisexual is similar; gay and lesbian show small upward and downward fluctuation but overall have changed little in popularity from 2004 to 2018.

This expansion in the vocabulary (or linguistic repertoire) surrounding sexuality goes some way to recognising the diversity of human experience. It helps to create a sense within the marginalised that not fitting the normative mould (re)presented and reinforced by mainstream media does not make you somehow perverse, alone or abnormal (at least in a sociological rather than strictly statistical sense), but rather a natural product of human variation. It also illustrates a trend to conceptualise and recognise aspects of sexuality beyond orientation to a particular gender or genders (as well as recognising orientation to more than two genders). However, returning to OkCupid, orientation to binary genders still fundamentally shapes the user experience. On the app, the 22-strong gender category currently allows you to pick up to 5 options and – for better or worse – includes intersex and gender-adjacent categories like transgender, transfeminine and transmasculine. So I can now identify myself as genderqueer, non-binary, transgender and transfeminine, and have this appear in my profile alongside other identity-related information. However, the moment after you pick anything other than *either* woman or man and select “Done”, the joy of recognition is quickly cut short by a sudden slap of ‘administrative violence’ (Spade 2015).

As seen in figure 1, you are asked whether you wish to be included in searches for women *or* men: “pick one”.

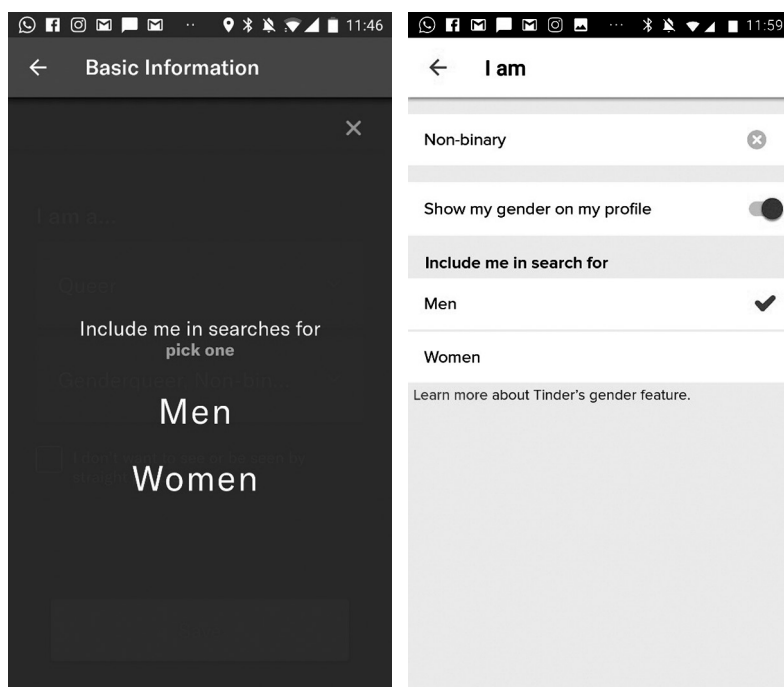


Figure 1: OkCupid (left) and Tinder (right) requiring users to select which binary gender they are included in searches for

In this paper I consider how recognition of non-binary identities and trans people more broadly might require us to revisit the vocabulary of sexuality prevalent in the Anglosphere. After defining a few key terms, I return to the themes of this introduction to analyse the relationship between (neo)liberalism and inclusion practices. I then discuss linguistic innovations arising from the asexual (and aromantic) community before using data to highlight issues around trans and/or non-binary inclusion that exist with the current language. Next I use speculative, philosophical reasoning to break down what lies beneath sexuality when language is taken out of the equation, exploring identity, aesthetics and morphology. On the back of this exploration, I consider the question of how to distinguish fetishes and attraction, and what counts as sexuality. In the final two sections, I suggest which areas of the language might require revision to be trans-inclusive and reflect what lies beneath sexuality, and highlight a few cautionary concerns that need to be taken into account when considering the potential for language change. My exploration is primarily theoretical and philosophical in nature, but I complement and motivate my exploration with a small amount of data from my own original research on contextualised identity construction through speech by non-binary and other queer people in the South of England.

Definitions

Before I begin my analysis, I will define terms that are key to the ensuing discussion. My definition of gender is largely in line with both Bornstein (2016) and Vincent (2018). In describing ‘gender identity’, Bornstein talks of being – “Gender identity answers the question: ‘Who am I?’ Am I a man or a woman or a what?” (2016: 28) – and belonging: feeling like you belong with people of a particular gender or genders (more than other genders). Vincent (2018: 18–19) talks of a “felt sense of gender” – meaning that gender, while socially influenced, is ultimately about what you feel internally – and recites an adage common in the trans community that “sexual orientation concerns who one wants to go to bed *with*, whilst gender identity is who one goes to bed *as*” (emphasis original). My view, shared by many gender scholars, is that individuals have some sense of what different gender categories mean to them (influenced by their sociocultural background), even if that sense is very rough and unclear, and perhaps unconscious. Their own gender identification is a result of self-evaluation against these senses of gender and making a judgment of best fit (or lack thereof, as may be the case for many agender people). Feelings are important in this trans-inclusive definition of gender: while I am firmly of the view that there’s no singular way to be male, I am of equal conviction that that category (which I was assigned at birth) doesn’t *feel* like a good fit for my inner sense of self. An attempt at developing this view of gender into a dynamic system can be seen in figure 2.

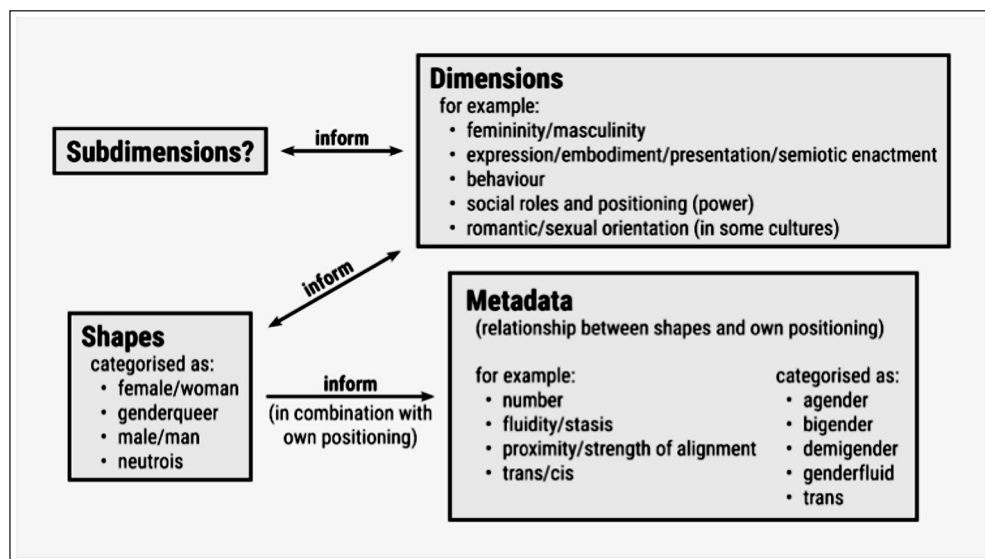


Figure 2: a hierarchic system of gender including gender-adjacent information. The ‘dimensions’ are what create our own sense of what it means to be a woman, man, genderqueer, non-binary etc., which here I term ‘shapes’. The shapes are essentially specific gender categories. The idea is you map out these categories on a multi-dimensional space to illustrate how each gender shape relates to other gender shapes in your own mind. Then you position yourself on the map to give an idea of where your identity sits in relation to the different shapes. Your own positioning, the shapes, your assigned gender and the relationship between them inform the ‘metadata’. So if you have two positions on the map, you might categorise yourself as bigender, or if you are close to male perhaps demiguy, or if you shift between two positions then genderfluid. What might be classed as a subdimension is unspecified, but this is essentially what you feel constitutes the dimensions, e.g. femininity and masculinity or a particular sexual orientation (as explored in this paper).

In the quote from Vincent (2018: 18–19) above, sexual orientation is defined as “*who* one wants to go to bed with” (emphasis mine). While I’ll work with this definition for now, sexuality (in contrast with sexual orientation) can be considered a much broader concept. Van Anders (2015: 1178), in her paper proposing ‘Sexual Configurations Theory’, noted:

“Sexual orientation as defined by gender (or is it sex?) is largely positioned as the singular defining feature of people’s sexual selves, but should it be? There are a number of other axes along which sexuality could revolve, including age, partner number, type of sexual activity, consent, solitary sexuality, and intensity among others.”

I am in complete agreement with this, as well as her proceeding statement that “there is no a priori reason why these should be secondary or less important relative to gender for characterizing sexualities”. However, in this paper I wish to focus on sexual orientation specifically, looking at what lies beneath orientation to specific (types of) people and what this means for non-binary genders.

Throughout the paper I use the terms ‘arousal’, ‘attraction’ and ‘desire’. While they are not mutually inclusive or synonymous, they are connected and can inform

each other. By arousal, I mean something that causes sexual excitement – something that makes people wish to have sex. Attraction is people-focused and based on finding specific qualities (of their body or personality, for example) pleasing in some way. Desire is about actually wanting to have sex with someone, based on attraction or interpersonal dynamics (for example, you might be aroused by the idea of sex with much older or much younger people, regardless of any aesthetic attraction or lack thereof).

While some of the theoretical analysis and discussion that follows may resemble a form of queer theory and queer analysis, I do not necessarily see my positions and motivations as entirely in line with some of its most salient features. As a descriptive sociolinguist, I have no problem with the word ‘queer’ having taken on a large number of meanings, including as an identity category. Indeed this is how I most often use the word throughout this paper (referring to an amorphous, fluid and perhaps somewhat ambiguous – but definitely non-heterosexual – sexuality), which is in contrast with the anti-identity stance generally considered to be one of the central tenets of queer theory (Wiegman and Wilson 2015). Further, some of the discussion that follows seeks more clarity and definition regarding sexuality, going against queer theory’s more standard resistance towards this. While I do seek to complicate our assumptions around sexual orientation, I wish to do this through understanding where our current definitions are incomplete, bringing light to the areas they leave in the dark. That said, I am not of the view that a single identity category can generally provide an accurate idea of the entirety of someone’s experience of sexuality, gender or other psychosocial phenomena: somewhat like mainstream queer theory, I don’t see identity categories as without limitations.

(Neo)liberal versus radical inclusion: dating apps

In the introduction, I illustrated the limits of OkCupid’s approach to recognising gender diversity and how this results in effectively falling back on binary-oriented sexuality categories where it matters (you can only search for women, men or both, and can only be categorised as a woman or a man for the purpose of other people’s searches). No doubt owing to a shared owner (Match Group, which itself is majority controlled by IAC/InterActiveCorp), Tinder’s approach is almost identical. The only notable difference is an extra linguistic distinction between “show” and “include”. In addition to the “Include me in search[es] for” setting, there’s an option labelled “Show my gender on my profile”. So my gender can be *shown*, but it cannot be *included* unless it’s one of two: woman or man. What all of this means is mainstream dating apps are willing to let you stamp your identity on your profile, but they won’t take the extra, more consequential step of recognising us within their core function: connecting people (for romantic, sexual or otherwise intimate purposes, primarily). The stamp (and no doubt a well-funded press office) is more than enough to get them good press. One particularly congratulatory article proclaimed in its title “OKCupid Just Exploded The Gender Binary With a Huge New Range of Orientation Options”, and went on to state “OKCupid [...] has just laid down the gauntlet when it comes to

inclusivity” and “the changes that OKCupid has just started rolling out to users are revolutionary” (Smith 2014; see also Greider 2018; Grinberg 2015; Lampen 2018; Mallenbaum 2016; North 2014).

This willingness to engage with inclusion on a liberal level (making small changes within the existing framework) but failure to demonstrate radical inclusive practice (by changing the system) highlights a few major barriers:

1. The willingness to accept (or tolerate) trans people at a superficial surface level – in practical terms meaning little more than not engaging in hate speech – but neglecting to go deeper and challenge underlying trans-exclusionary assumptions about gender and the world (Nicholas 2019).
2. The ubiquity of binary gender in how we conceptualise sexuality. Recognising non-binary people in search algorithms would then require people to indicate whether they wish to see non-binary people come up as potential matches. Crucially, it would require those who know little or nothing about gender beyond the binary to make such a decision. This could in turn undermine the ontological stability of categories like lesbian, gay, straight and the (increasingly antiquated) binary gender definition of bisexuality: a poststructural collapse of order (Butler 1990).
3. Relatedly, the neoliberal agenda, which puts profit over people (Chomsky 1999). OKCupid’s efforts are arguably just corporate virtue-signalling, dealing only with the technologically trivial matter of correct labelling and identification while neglecting to invest real resources in developing a solution to enabling trans and/or non-binary people to use their service in a truly gender-affirming way. It’s profitable to take a liberal approach and appear to be progressive to the mainstream, but not so much to actually work out the details of how to reshape the system to include a diversity of genders (e.g. Nicholas 2019). As mentioned in point two, working out those details may result in a collapse of order. Given the profit of such apps is no doubt largely dependent on straight-identifying, and secondarily lesbian, gay and bisexual-identifying cisgender people, undermining, complicating or otherwise calling into question those very categories is unlikely to be in their business interests. Neoliberalism will put a pretty plaster/band aid over the wound, but it won’t go as far as changing the environment that created the wound in the first place. The environment is still hostile: much like neoliberalism embraces only homonormative and not radical queer inclusion (Duggan 2002), it too embraces only cissexist transnormative forms of inclusion (Johnson 2016; Lewis 2016; Petersen 2017; Vipond 2015). Arguably, this kind of liberal approach to inclusion may harm the cause of activists seeking more systematic inclusion by making it seem as though the battle is already won (as evidenced by the congratulatory and hyperbolically positive press coverage).

Asexual innovations

Before turning to the main focus of this paper – the conceptualisation of sexuality – I wish to highlight a couple of linguistic and conceptual innovations from the asexual and aromantic communities. The main purposes of discussing these is to motivate my use of specific language henceforth and to be clear on the limitations of this paper. However, these innovations also serve as contemporary examples of how the language and underlying conceptual frameworks around sexuality and attraction more broadly have been reworked and expanded to better reflect the diversity of human experience.

While the term ‘allosexual’ has gained ground within some online queer communities (e.g. Tumblr and Facebook groups and pages by/for queer people), the majority opinion on the Asexual Visibility and Education Network (or AVEN) – the “world’s largest [online] asexual community” (AVEN 2018a) – is that ‘sexual’ is the preferred term (e.g. AVEN 2014, 2018b, 2018c). Under AVEN’s (2018d) definition, “[a]n asexual person does not experience sexual attraction – they are not drawn to people sexually and do not desire to act upon attraction to others in a sexual way”, though they may experience (sexual) arousal. ‘A’ is a prefix of Ancient Greek origin meaning ‘not’ or ‘without’, so ‘asexual’ is literally not sexual, with sexual taken to mean experiencing sexual attraction. ‘Allo’, on the other hand, is a prefix (again of Ancient Greek origin) meaning ‘different’ or ‘other’ – many users on the AVEN forum note that the logical definition of allosexual as ‘different or other sexual’ is somewhat opaque and nonsensical. Therefore the most etymologically accurate and transparent opposite of ‘asexual’ – as commonly argued on the AVEN forum – is simply ‘sexual’.

Another innovation of the asexual (and aromantic) community is the split attraction model (e.g. AVEN 2018d; mod j 2016), which separates out sexual and romantic attraction as well as, less commonly, other forms of attraction such as aesthetic or sensual. While terms like heterosexual, homosexual and bisexual all include the suffix ‘-sexual’, it’s common to assume that someone identifying as homosexual (or more likely gay) would only consider people of the same gender as romantic partners. However, by this logic of grouping sexual and romantic attraction into one -sexual category, it would follow that asexual people never desire intimate partners of any kind, which is patently untrue for much of the community. While it would be fascinating to explore what informs romantic (and other forms of non-sexual) attraction, the split attraction model highlights that these forms of attraction are unique and should not be treated as a singular, unified phenomenon. It is therefore beyond the scope of both this paper and my expertise to unpick attraction as a whole, hence the focus shall solely be on *sexual* attraction (and sexual arousal and desire outside of/beyond attraction).

Traditional sexuality categories and trans people: irreconcilable differences?

For the rest of this paper I will focus on the second point I raised in the first section: the conceptualisation of sexuality. First, I will examine the meaning behind traditional sexuality categories. We typically think of the orientation in ‘sexual orientation’ as being in relation to gender: commonly to the same, ‘opposite’ (within a binary), ‘both’ (within a binary), or multiple genders. But is sexual attraction amongst the sexual population based on identity, aesthetics, morphology (physical aspects of the body such as genitalia and chest shape) or something else? I will outline a few standpoints that I believe to be relatively uncontroversial in the Anglosphere among those who are trans-positive (not transphobic) and then pose a question.

1. Sexual people *can* experience sexual attraction to people based purely on looking at them. Note that the asexual/sexual distinction is not binary. It could be argued either way as to whether demisexual¹ people exist outside of these categories, or whether they are a subcategory of sexual people who simply have additional requirements for attraction. My use of ‘can’ is important in leaving room for this to be optional and thereby leaving the definition of ‘sexual’ somewhat open, however my focus in this paper is not on demisexual experience. This is perhaps an example of umbrella versus narrow definitions of identity categories. Indeed under an umbrella definition, demisexuals may also be included within the asexual spectrum, further demonstrating that the asexual/sexual distinction is not a case of two completely discrete and separate camps with no potential for overlap. To me this cloudy, amorphous, fluid nature of queer language is itself very queer.
2. Trans women, trans men and non-binary people (trans-identifying or not) exist and are valid.
3. Having undergone or intending to undergo medical transition is not a prerequisite for identifying as trans and/or non-binary.
4. Leading logically on from (2) and (3), identity, aesthetics and morphology need not align with the norms of gender-conforming cis people. Rather, they have infinite potential combinations: femme-presenting men who have protruded chests, sometimes hidden by a binder or tape; women who present neither femme nor masc – or perhaps both – and have a flat chest; masc-presenting non-binary people with large hips who have had a breast reduction; and so on.

All of this logically leads to the question of who or what are (sexual) lesbian, gay and straight people attracted to if women and men can look like anything both clothed and unclothed? Do these categories – under their traditional definitions – retain meaning (or semantic coherence) when we include trans people as potential subjects of sexual attraction?

¹ A demisexual is someone who doesn’t experience sexual attraction until they’ve formed a strong emotional bond.

These questions and confusion around what to do with these categories of sexuality are reflected in interview data from my own research. When asked how they identify in terms of gender and sexuality, one informant (pseudonym used below and for all informants henceforth) replied with regard to the latter:

“My sexuality... queer, but I think more recently I’ve been thinking I guess I’m bisexual as well. But I for a long time you know I was- I did call myself a lesbian for a long time, and then felt that wasn’t right because I’m not a woman and not everyone I’m attracted to is a woman and- so then I was like oh just queer and now I’m like well hang on that means bisexual doesn’t it (laughter) so like I don’t know.”

“But then I also think about like uhm homosexual and heterosexual and so like- and for a long time I thought like okay I’m homosexual and then because I used to even be attracted- like I’ve always been fairly kind of butch or like masculine-ish presenting and, uhm, was mostly attracted to other people who were also kind of masculine presenting. Uhm, but I’ve noticed that since I have come out as non-binary and got more comfortable with that I’m definitely attracted to femme women, yeah. And so then I think about well is that homosexual? And it’s like oh I dunno homosexual/heterosexual is meaningless I guess but it’s all these different-like it’s more an attraction to difference rather than sameness.”

(Thom, 31 year-old queer assigned female at birth (AFAB) non-binary informant)

Another answered:

“So, I definitely like guys. Uhm, but then that that’s a fun issue isn’t it cause uhm you know uhm gender identity like... who are guys?”

(Alexis, 18 year-old gay assigned male at birth (AMAB) non-binary informant)

The changing stances of the informants both within their lifetime as their queer subjectivities develop and within the interviews when talking about their sexuality illustrate the confusion, tension and discordance – or ontological instability – they sense in trying to reconcile their advanced understanding and non-normative experiences of gender with ostensibly gender-based categories of sexuality. I argue that this is one of the key problems with the current language: these categories are only *ostensibly* gender-based. Alexis starts off with certainty: “I definitely like guys”. A few seconds and three uncertainty-marking ‘uhm’s later they ask “who are guys?” Alexis had only learned about and come to identify as non-binary within the few months prior to the interview, but it’s clear that they were already beginning to question the assumptions and foundations on which their much longer-established gay identity were built. Who are guys?

Thom, who has identified as non-binary for considerably longer, covers more ground in a good minute of self-reflection. They touch on aesthetics (or presentation), identity and the relational nature of the traditional monosexual (orientation to one gender) sexuality categories (and the antiquated binary bisexual definition) when they mention attraction to sameness and difference.

Similar ontological paradoxes show up throughout my data, a small selection of which I present below:

“If you’re doing things off of gender then like you know, I’m not exclusively attracted to men cause there’s non-binary as well and stuff like that, and so you know it all gets really messy using language”

(Aiden, 20 year-old gay/queer AMAB non-binary transfeminine informant)

“She [my wife] doesn’t identify as anything other than straight, so it is- it challenges her identity as well.”

(Fiona, 41 year-old bisexual AMAB genderfluid informant)

“Thinking about gender in a different way, uhm, it’s sort of changed the way that I think about who I’m attracted to. Uhm, so, it- it’s a bit murky at the moment. Uhm, and yeah I don’t – I don’t have sort of immediate words for- for how I would describe myself. But yeah I suppose probably queer is the c- closest.”

(Leela, 32 year-old queer AFAB non-binary informant)

“He [my partner] identified as straight when we got together, so that was kind of a big thing to work through like mentally I guess, if that’s what you thought you were and then you are suddenly with a guy.”

(Stan, 21 year-old pansexual/queer AFAB male informant)

Fiona and Stan’s contributions here raise the issue of reconciling a partner’s gender-based sexual orientation with a change in the way they identify in terms of gender. If we take transition to be a shift in identity, and assuming at least some partners of trans people remain attracted to their partner post-shift, then they are attracted to a person of a different gender than before. If we take transition not as a *shift* in identity, but rather a *realisation* of identity (which individuals may have always been, unknowingly), then any attraction their partner(s) felt towards them was always to a person of the gender they are. In Fiona and Stan’s cases, their partners identify as straight – attracted to men and women respectively – and yet they find themselves in relationships with people of the same or fluid gender. Assuming sexual attraction is sustained, to maintain the line that they are solely attracted to people of a gender their partner is not risks invalidating and erasing their partners’ gender and trans identities. All of this suggests traditional sexuality categories and trans and/or non-binary people have irreconcilable differences. Time for a divorce?

Delanguaging sexuality: what are we attracted to?

Language is important: some words hurt and are best avoided. But that hurt is culturally contextual, not universal: words that are harmful within one context may be entirely benign in another (Butler 1993). As such, some of the distinctions we focus on policing, particularly around gender, are based more on meaning by association (based on the main contexts of their use) than semantic or etymological coherence. These distinctions can in some contexts become ‘enregistered’ as ‘shibboleths’,

meaning linguistic forms that mark (are indexical of) group membership, or are at least perceived that way. For example, ‘transwomen’, as distinct from ‘trans women’, is often seen as a marker of trans-exclusionary ‘radical feminism’ or otherwise transphobic ideology (Vincent 2018). However, strict policing of this and other linguistically arbitrary distinctions can also result in highly culturally-contextualised language which can exclude people not because they are against – or even outside of – a given community, but simply because they are unfamiliar with the conventionalised, prestige language. While I have seen many trans and/or non-binary people use the form ‘transwomen’ without controversy within online communities, trans people themselves can sometimes be subject to accusations of transphobia from other trans people simply for not adhering to convention (which is ironic within a social group discriminated against for going against convention).

The existence of different languages of gender and sexuality in both ‘Western’ (e.g. Valentine 2007) and non-‘Western’ cultures (e.g. Jackson 1989; Kulick 1998) illustrates that our conceptual frameworks and resulting language are rarely if ever one-size-fits-all, nor are they natural systems free of subjectivity and cultural and historical context. In some cultures, it could be argued that gender and sexuality are not conceptualised as quite so distinct as they are in the Anglosphere (Altman 2001). Many (anthropological) descriptions of what we might call trans and/or non-binary people in the Anglosphere include sexuality (and birth assignment) as a fundamental, constitutive characteristic. Attempting to apply one system of understanding universally can easily stray into the territory of linguistic and cultural imperialism.

For now, let’s throw out the existing (Anglosphere) language and investigate to what, behind it all, are we actually attracted. I’ll go through each of the areas I’ve mentioned in turn: identity, aesthetics and morphology. Note that while I make a distinction between these three categories for the purpose of analysis, in reality there is clear overlap and intercategorical influence: morphology can be considered part of aesthetics (or to be a source of aesthetic appeal), and identity can play an obvious role in informing aesthetic (and other) presentation.

Identity (and character)

The foundation of this section is the anti-essentialist, poststructural notion that – even amongst the cisgender population – anyone could be any kind of person and put any (identity) label on top of that (e.g. Amer 2018; GLAAD 2019). Affiliation to a particular identity might shape the kind of person we become, but theoretically under the trans-inclusive model of gender I’m working with, anyone can be anything and identify any way they like (with regard to gender). We can identify as women, men or non-binary for our own very individual reasons. If we accept this as true, then logically identity should not be a factor in sexual attraction. Even among demisexual and among sexual people whose attraction is enhanced by romantic attraction or a sense of intimacy, it’s not the category woman, man, non-binary or anything else that constitutes any fondness for an individual. Identity does not equal character. Which leads to the question: is character (or personality) important? Per-

haps character directly or indirectly – given its role in creating and developing an emotional connection – is a way of capturing what leads to sexual attraction among demisexual people.

However, even if logic would suggest identity itself should be unimportant, perhaps an individual could be aroused by the *idea* of having sex with someone who identifies in a particular way. For example, is it plausible that someone could be turned on by the perceived deviance of a sexual act, which may be influenced by the combination of identities involved (as well as the cultural and historical context)? Perhaps this would be classed as a fetish and not a sexuality, but is the difference between the two so black and white, or is it more based on notions of morality and perceived deviance? I'll return to this when discussing morphology, and more fully in the next section.

Aesthetics

This is perhaps the most obvious area. Returning to dating apps, this is – amongst sexual people – a big factor in what makes us 'swipe right' (and thereby tell the app that we would like to match with the person in question). How many people on OkCupid, and particularly apps like Tinder and Grindr (which place less importance on shared values and interests, with much more limited opportunity to provide biographical and ideological detail), swipe or message people without reading a word of the person's profile? Clearly, this is an area that can influence many of us.

What might be less obvious is the line to draw between aesthetics and morphology. Arguably aesthetics, morphology and character combine to form the larger category of presentation. Aesthetics and morphology are both within the physical domain, while character is more related to personality (though it can be indexed through physical/visual means). While I acknowledge that in reality morphology can be a constitutive part of aesthetics, here the distinction I make for the purpose of analytic and theoretical illustration is between aspects of the naked body and anything that goes on top.

Morphology

The prevailing perspective within the Anglosphere treats gender and morphology as unified and always congruent (according to the norms of cisgender endosex² people; see the 'heterosexual matrix', Butler 1990). This leads to the common conceptualisation of lesbian, gay and straight (monosexual categories) as indicating attraction to specific types of bodies, of which people assume there are (only) two distinct groups. Here lies one of the main issues with these traditional categories – while they are described and defined as gender-based attraction, what people are really talking about is morphology. As I said earlier, they are only *ostensibly* gender-based. Conflating

2 Cisgender (or cis) and endosex are common terms used by trans and intersex communities to refer to their opposites.

the two is rooted in cissexism and endosexism³. But, if we remove the language, is there something in morphology? One of my informants discussed this in response to a question about the main issues still facing queer people. Their response touches on what Kessler and McKenna (1978) refer to as the ‘cultural genitals’: genitals, and from that sex, and from that gender, are often inferred via secondary signifiers. People rarely expose their genitals in everyday interactions, yet assumptions about them inform how they are gendered by others.

“From my own personal experience, I’d say uhm there are a lot of issues around gender and making assumptions about people’s gender uhm and people saying accidentally transphobic things. Uhm genital fetishism is a big thing within the queer scene that uhm isn’t helpful for trans people I think. There’s a certain extent to which you can’t necessarily control your fetishes, but uhm I think uh some people feel that part of their gay identity means uhm being very explicit about the type of genitals you want on the person that you’re attracted to which I don’t think is helpful for trans people. Uhm so yeah biological essentialism basically is uhm one of the main issues both within society and within queer groups that I think really needs to be tackled.”

(Kay, 20-year-old gay AMAB non-binary informant)

While I completely agree that biological essentialism is a big issue, what Kay says brings me back to the question I raised earlier: is there a meaningful, qualitative difference between what we class as sexualities and fetishes, or are they all just ways of describing what arouses people? Is the distinction purely moralistic based on dividing subjects of sexual attraction and desire into what is *considered* a choice and therefore optional and what is *considered* prescribed from birth (unchoosable and essential – ‘born this way’)? I’ll continue this discussion in the next section.

Fetish versus attraction: what constitutes sexuality?

Interestingly, the way Kay uses the term ‘fetish’ is a marked departure from its classic definition. Freud (1927) and a number of major sexologists (e.g. Binet 1887; Ellis 1906; Hirschfeld 1956; von Krafft-Ebing 1896) considered fetishism to be (significant) sexual arousal stemming from non-living objects, body parts or bodily products. Freud considered fetishes to be sexual arousal toward a ‘substitute’ for the genitals (or specifically the penis). The fifth and current edition of the Diagnostic and Statistical Manual of Mental Disorders (American Psychiatric Association 2013) was the first to integrate ‘partialism’ – arousal from a non-genital body part – into its definition of ‘fetishistic disorders’, rather than separating it out as a distinct paraphilia. It defines fetishistic disorders much the same as Freud and the sexologists of the late nineteenth to mid-twentieth centuries: arousal towards non-living objects or non-genital body parts. Kay, however, positions the genitals as a source of fetishism. As my questions at the end of the last section suggested, I believe this touches on another common use of the term fetishism, which may be based on moralistic

3 Cissexism and endosexism describe acts or attitudes that view cisgender and endosex people as the norm, and/or cement their positions of privilege over trans and intersex people respectively.

judgments, and may shift the definition away from anything other than genitals to anything other than identity. As a descriptive sociolinguist with limited knowledge of the history of conceptualising fetishism, I don't seek to take a stance on whether this new definition makes sense or whether 'genital fetishism' is something of an oxymoron, rather I will focus my discussion on the underlying question of whether genitals can be understood as a genuine source of arousal.

Genitals could potentially play a role in sexual arousal through the physical feeling of interacting with them (though this can at least partially be replicated with prosthetics), through the *idea* of interacting with them (including, for example, the idea of someone with a penis being aroused by you), or through what they represent to a person (which may, based on cissexist and endosexist assumptions, relate back to gender/identity). Again, the question arises of whether these are fetishes or components of sexuality, if indeed there is a meaningful difference.

The fetish question could also be asked about secondary sex characteristics and other body features. Are preferences for the following based on fetish or sexual attraction: muscular, slim or large build; short or tall height; flat, small or large chest; wide or narrow hips? Are these valid areas of preference? Where does preference start to become problematic? I'll return to this last question later in my closing thoughts, paying particular attention to the racialised and ableist nature of certain 'preferences'.

While skoliosexuals⁴ may consider themselves attracted to non-binary people – based on some generalisation of what non-binary people are like (aesthetically and character-wise) – could there be multiple reasons behind the wealth of people on apps like Grindr looking for trans(femme) people (also 'crossdressers' or 'CD', 'transvestites' or 'TV' and 'transsexuals' or 'TS', in which the predominantly cis gay male population of Grindr commonly proclaim an interest; e.g. Potts 2017)?

Some might simply find femme aesthetics attractive. This would lead to the question of why not cis women and AFAB femmes (assuming at least some of them identify as gay men and not bisexual or similar)? Perhaps they generalise and assume that most AMAB femmes can easily be read as AMAB and are therefore part of a distinct aesthetic category, however subtle the distinction. Or perhaps they genuinely feel attraction towards the aesthetics of a femme presentation combined with a small chest, small hips and a penis (an example of the fluid boundary between morphology and aesthetics).

Alternatively, is it possible that some are turned on by the idea of an AMAB person dressing femme, and perhaps the idea of 'topping' (penetrating) a passive AMAB femme? Or, for example, some of the many straight-identifying men on Grindr looking for femmes could be aesthetically attracted to femmes in general but aroused by the perceived deviance of having sex with (perhaps even cheating with) an AMAB femme, or specifically someone with a penis (or perhaps a 'man', transphobically categorised). Whether because of perceived deviance or something else, perhaps the hegemonic masculinity represented by such a scenario is a source of arousal, and perhaps the inverse might be true of AMAB femmes who enjoy ful-

4 A skoliosexual is someone sexually attracted to non-binary people.

filling a passive role in sex with hegemonically masculine people to whom they are not aesthetically attracted.

This may be where the line is drawn between fetish and sexual attraction for Kay and others who adopt a genital-inclusive definition of the former: the abstraction of sexual arousal to the level of ideas about interpersonal dynamics rather than the materiality of a subject of sexual attraction. But must our definition of sexuality be limited only to what leads to sexual attraction, rather than what leads to sexual arousal more broadly?

If we were to incorporate fetishes into the language but continue to see them as distinct from attraction, gender-focused categories like gay, lesbian, gynosexual and androsexual would become somewhat ambiguous: are androsexuals sexually attracted to men (or masculine people, depending on how you define the term) or simply sexually aroused by the idea of having sex with them? One solution is to adopt a split sexuality model, with terms distinguishing idea-based and aesthetics-based gender-focused sexual arousal and attraction. Arguably this is already accounted for in some versions of the existing split attraction model, which incorporate the idea of aesthetic attraction, but this has some problems. First, it would reduce sexuality only to fetishes, which feels like a rather dramatic shift in definition. Second, the idea within the split attraction model is that aesthetic attraction needn't be coupled with sexual thoughts: you might appreciate a type of aesthetic, but not necessarily wish to have sex with people of that aesthetic. The distinction I discuss here is very much between fetishes (or idea-based sexual arousal) and aesthetics-based *sexual* attraction, rather than simply aesthetic attraction.

One of my informants illustrated an experience of being “attract[ed]” to (or aroused by) an idea or an interpersonal situation (someone else being attracted to her) while not being attracted to the other person involved in that situation as they tried to make sense of their own sexuality.

“I’m mostly attracted to women. Uhm, there is a- an attraction to a male response to my femininity that, that I like. I- if a man finds me attractive I find that attractive, but if I’m honest I don’t find them attractive. Uhm, and I get the same response from a gay female that’s attracted to me – in fact more so cause it’s kind of double then. So I- I would say... I don’t know you see this is where the lang- language fails, is does that make me straight or gay? Because, my gender identity is ‘I don’t know’. So yeah, I’m whatever that makes me. I- I find describing myself as gay or trying to describe myself as lesbian would- it is uncomfortable.”

(Fiona, 41 year-old bisexual AMAB genderfluid informant)

Relanguaging sexuality: redefining and expanding the linguistic repertoire

Gender categories are not as qualitatively discrete as traditional sexuality labels would have us believe, which leads to a situation where we cannot consistently accurately identify the gender of individuals. In addition, aesthetics are a continuous, multidimensional variable. There are no hard lines. So is it natural for sexual people

to be attracted only to one gender or one aesthetic? Assuming the answer is no, how can we describe what we are attracted to and aroused by without relying on essentialist understandings of identity? Having taken a first pass at deconstructing sexuality by taking language out of the equation and incorporating a non-binary-inclusive, trans-inclusive and (hopefully) intersex-inclusive perspective, I will now briefly look at how the language of sexuality might usefully be developed. What might sexuality categories look like if we were to take more radical steps to recognise non-binary and trans identities at a more fundamental, systemic level, beyond simply seeing them as labels people stick on top of their ‘real’ (binary, assigned) gender? Returning to the potential sources of sexual attraction and arousal that I’ve discussed, I will take them in turn and suggest whether they should be newly explored, revised or rejected.

Identity rests on whether and how we distinguish fetishes from sexuality. If there is no meaningful distinction to be made, then we could use terms that denote an attraction to a specific gender (e.g. androsexual⁵, gynosexual⁶ and skoliosexual), to sameness (gay or homosexual) or to difference (straight or heterosexual). However if fetishes are to be considered distinct, then such labels fall down at the “Who are guys?” question, unless we are to accept cissexist generalisation.

Morphology also rests on the fetish-sexuality distinction. Beyond that debate, the main conceptual issue here is considering a set of morphological features to be fundamentally linked to one of two genders or sexes. While the terms AFAB and AMAB have been very useful in detaching genital-based birth assignment from gender (and, to an extent, highlighting that there is a moment of subjective assignment), they are often used as a binary-reifying proxy for (perceived) morphology (e.g. Nelson 2016). Indeed, in my own research on gender and phonetics (the sounds of the voice) I have argued that birth assignment is *better* than gender for talking about morphology. While that may be accurate, it is far from perfect – birth assignment is based on:

“a cursory glance at the genitals [which] does not accurately determine an individual’s chromosomes or gonads, the secondary sexual characteristics they will later develop, or what hormone levels will be produced” (Vincent 2018: 18)

Further, as sex is bimodal not binary (Blackless et al. 2000; Vincent 2018), binary birth assignment cannot represent the true diversity of morphology. And lastly, morphological characteristics can be meaningfully modified well into adulthood – using birth assignment as a proxy for morphology does not adequately recognise the potential for this.

The obvious solution is to talk about specific aspects of morphology. However this raises a new problem: how to categorise continuous and/or multidimensional variables. Binary or ternary categorisation obfuscates the true diversity of bodies. Rather than relying on a large set of neologisms, we could simply describe in plain terms what we tend to be aroused by (e.g. small, medium or large hips or chest size). Or we could gradually develop the linguistic repertoire while shaping our definition of new terms around the principle that hard boundaries are artificial.

5 An androsexual is someone sexually attracted to men (or alternatively masculinity).

6 A gynosexual is someone sexually attracted to women (or alternatively femininity).

Much the same can be said about aesthetics and character. While for aesthetics the categories ‘femme’ and ‘masc’ (also ‘butch’) have gained some ground within trans and wider queer communities to refer to different kinds of (gender) expression, there still exists in both areas a great level of diversity that cannot be captured within a simple binary system of categorisation. Some people have taken to referring to their attractions as being primarily towards ‘femme-of-centre’ or ‘masc-of-centre’ people (or similar phrases like ‘femme-leaning’). This does recognise that other ground can exist (i.e. ‘centre’, which still suggests a one-dimensional scale) and that it is not a clear cut either/or situation, leaving room for tendential rather than strict orientation. Femme and masc can also be applied to presentation more broadly, taking account of character. However these categories are highly culturally-contextualised and simultaneously subject to individual interpretation in a similar way to gender categories, and they are problematised for simply creating a new binary. Again, potential solutions are more specificity or neologisms with nuanced definitions.

Closing thoughts

A key issue in expanding the linguistic repertoire is how we categorise areas of great variation without resorting to creating new false binaries or otherwise essentialising taxonomies. Why not just use queer as a catch-all, nuance-recognising (but not detailing) category (or gay, which is increasingly being reclaimed as the new queer – see figure 3)? Queer for many people recognises that none of this is about discrete categories of difference but rather continuous, multidimensional areas of variation, which cannot be captured by essentialist identity-based orientation (e.g. Mitchell 2017; Minus18 crew 2017; Miriam 2010; Ziyad 2016). Perhaps it depends on the extent to which you are happy with a more poststructural, cloudy, amorphous, fluidly defined, ‘everything is complicated’ kind of label as compared with a richer, more detailed description of the specifics. Why not both? Specificity can create visibility for alternative ways of being, which is perhaps the first step to (positively) normalising variety and diversity, while queer or similar terms perhaps have a place as the ‘it doesn’t matter’, ‘be what you want to be’ ideal. This is a common theme within other papers in this issue.

It would be remiss not to return briefly to a sociopolitical question I raised in the fetish versus sexuality section: where does preference start to become problematic? This is increasingly being discussed within progressive queer communities and in academia, fuelled by a desire to resist the normalisation of expressing certain types of aesthetic and morphological ‘preference’ (or prejudice) on dating and hookup apps, Grindr in particular. Morphological preference introduces the potential for racism, fatphobia and ableism (Conte 2017; Daroya 2018; Raj 2011; Robinson 2015), and aesthetic preference can be subject to charges of femmephobia (Conte 2017). Such preferences are often considered an artefact of toxic masculinity and whiteness. Speaking as a femme-identifying non-binary trans person, I’ve experienced femmephobia first-hand in situations where a sexual and/or romantic relationship (and attraction) had already been established, and I could no longer fulfil a ‘pref-



Figure 3: a meme that came up in my Facebook feed while I was writing this paper. This both illustrates the reappropriation of gay as new version of (the catch-all) queer and some of the ideas I've discussed in this paper.

erence' for masculinity. Character is also a potential source of discrimination, as I noted very briefly in the first section when mentioning the ableist intelligence-based term sapiosexual. While linguistic innovation around sexuality may be motivated by a desire to counter underlying cissexist and endosexist assumptions, it's vital to be informed by intersectional perspectives so as not to unwittingly open up the potential for deepening and validating other forms of social prejudice.

A final note, to end: more empirical data would be helpful. A potentially illuminating exercise would be to ask people to describe what they are sexually attracted to and what arouses them sexually without using any reference to categories of gender or sex. Of course, it may be impossible to detach such thinking from the influence of ideology. Even morphological and neurological responses to stimuli may be conditioned by what people have come to believe about gender and sexuality based on their sociocultural background. Perhaps ideology can become so deeply ingrained that it influences even automatic reactions. But discussion with people who experience gender and sexuality in a range of different ways may help to develop and revise some of the ideas presented here, and potentially reveal areas I have neglected to recognise as a result of my own specific, subjective lens.

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Surveillance, and the boundaries of binary gender: flashpoints for queer ethics

Son Vivienne

Abstract: Despite ubiquitous surveillance of identity and scrutiny of performances of binary gender, an increasingly large number of people are choosing to stake out public and private spaces that are in-between, including ‘non-binary’ and ‘gender-queer’. In this article I outline some of the ways in which gender is *literally* and *metonymically* monitored at boundary-crossings at national borders and bathroom thresholds, and in the certification of birth and citizenship. I think through why shifting perceptions of gender, and the ways that we categorise gender in different spaces, for different audiences, is an issue for *queer ethics in practice*. What is a ‘safe space’ for sharing stories of stigma and state-imposed identity categorisation? How can affirmed gender-diverse categories and spaces remain open to accommodate change, fluidity and multiplicity? I draw on auto-ethnographic experiences of self-surveillance and attempts to propagate and celebrate my own multiplicity as a non-binary person. I speculate on the ways that (un)gendered Selfies might constitute creative and imaginative practice that challenges hegemonic injunctions to perform gender in finite and rigid binary ways. Can this sharing of complex and multiple selves have implications for the ethics and politics of categorising gender in educational, health and social service contexts? What might ‘queer ethics in practice’ look like in workshops, at reception desks, at airports?

Keywords: non-binary genders, categorisation, surveillance, queer ethics, boundary patrol

Background

‘We love to put things in a box, don’t we?’

This is the kind of reflection that participants in ‘Code-switching Identities’ offer during workshops. In these three-hour sessions a small group of ten to fifteen gender-diverse people interrogate and re-categorise our multiple fluid selves – by creating queer and sometimes ‘un’ gendered selfies. We share stories around mis-recognition and affirmation; times when we’ve felt safe/unsafe in public bathrooms; how we feel when people get our pronouns right. We think about all the #hashtags that have been imposed upon us during our lives and try to integrate them into a single visual representation of multiple ‘transitions’ with uncertain beginnings and ends. As babies the state imposes ‘male’ or ‘female’ upon us, according to the dimensions of our genitalia. As children, our parents label us with nominalisations like ‘smarty-pants’, ‘the naughty one’, ‘just shy’ or ‘the black sheep’. At school we might get dubbed ‘square’, ‘trouble’, ‘dobber’, and later, ‘freak’, ‘slut’, ‘stud’, or ‘frigid’. These labels are all imperfect stories without certain definitions, and we carry these narratives with us as baggage; a suitcase of former (and imagined future) selves. In our life journeys, many of us take the opportunity to reinvent ourselves; for example,

by moving from the country to the city; by partnering with somebody deemed ‘inappropriate’; by changing our names or our gender. Did you know in Australia you are currently only permitted by law to change your name three times? After that you need to make a special case, in an appeal to a Judge.

Frequent or dramatic changes to legal and social identity categories are highly regulated and patrolled, and in many cases stigmatised (Kaveney, 1999). Trans people are often characterised as duplicitous, or unstable, although there are also the familiar narratives of heroes’ journeys towards discoveries of the ‘true inner self’ (Siebler, 2012). Either way, these are impositions, and often there is friction between the identity descriptors and categorisations that we are forced into, and the complex narratives that we might choose for ourselves. In how many of these digital traces, discourses, and everyday conversations, can we control how we are represented and/or perceived?

Universal categorisation of gendered personhood has never been so scrutinised, and there are interesting implications for ethical service provision and nation/state policy and law. In mainstream media and popular culture, we routinely witness intersections between multiple/fluid self-representations online and changing social understandings of binary gender. Non-binary model and gender activist Rain Dove offers their everyday activism (Vivienne, 2016) on Instagram in Figure 1.



Figure 1. Rain Dove doing everyday activism via bathroom selfies for Instagram

This public and embodied everyday activism led to Dove being maced by a parent in a 'female' bathroom. In an exemplar of digitally mediated advocacy their ensuing text discussions with the attacker made mainstream news worldwide (Braidwood, 2018). In policy and practice surveillance takes place in a variety of embodied and mediated contexts. Surveillance by the State (from above) determines how we are recognised as citizens, on birth certificates, passports and measurement in National Census. Sousveillance (from below) takes place when we blog about the scanning of our bodies at national borders, sharing circumnavigation strategies with others. Self-surveillance takes place every time we, in our waste-expelling bodies, make a quick decision about which of two publicly designated bathroom doors, might signify a safe-ish environment within.

Meanwhile, our embodiment is imbricated, interwoven, and inseparable from our digital traces. Experiences of networked daily life often highlight the ways that finite categories of personhood are contextual and arbitrarily enforced. While we may still attempt to separate online and IRL (in real life) aspects of self, digital traces of previous selves routinely offer evidence of change, fluidity and multiple ways of being (Jurgenson, 2011). At any one moment of time we are simultaneously manifest in contrasting spaces. For example, the professional self of *Linked In* versus the filtered holiday self of *Instagram*, may sometimes appear contradictory. We nevertheless acknowledge that we sculpt how we perform our identities according to who we are with, when and where (see an established body of Internet Research, including boyd, 2014). This is not, however, a wholly digital phenomena, for we have always been multiple selves. It seems obvious that we sound and act quite differently when we're drunk with friends compared with when we're chastising children about housework. This has long been a sociological insight, grounded in Goffman's analogy of performance management, in which we curate self-presentation according to our context on stage or backstage (Goffman, 1959). Giddens later scrutinised self-understanding in the context of modernity and intimacy with others (with very brief reference to gender-performance) while Blumer developed overarching theories of ways of being as 'symbolic interactionism' (Blumer, 1986; Giddens, 1992).

Despite these scholarly acknowledgements, in popular discourses and legal-medical practice, personhood that blurs the lines between male/female (or that celebrates ongoing fluidity), risks rejection as unstable, unreliable or incoherent. When categorisations are imposed, and at odds with lived experience, there are significant consequences. We stand accused of the universally unforgivable - 'you've changed!' - a judgement that is indicative of personal and systemic violence. Stigmatisation of gender transgression results in trans* and gender non-conforming people being over-represented in statistics on depression, self-harm, suicidality, drug-abuse, unemployment and homelessness (Grant et al., 2011; Hillier et al., 2010; Leonard et al., 2012). Notably these risk factors are the result of discrimination, not gender-diversity itself. Possibilities of playful exploration are curtailed through mediated moral panic in the vein of 'political correctness gone mad' (for example, see recent backlash to use of 'They' pronouns in Vivienne, 2018). When Princeton University guidelines attempted to un-gender identity categories - like 'Freshman, actress, cameraman, cleaning lady, anchorman, mankind, salesman, headmistress' by 'removing male-leaning terminology from official textbooks and introducing guidelines for

how to address someone of the opposite gender', a media commentator for news.com.au scoffed 'Give me a break' (Willis, 2016).

Despite the ubiquity of conservative discourses, some principals, parents and employers demonstrate goodwill as they struggle to come to terms with pronouns and creating safe(r) spaces for increasingly gender-diverse employees, students, clients and family members. These efforts are often thwarted by 'computer says no' technologies, or architectural conventions (e.g. gendered bathrooms) that reflect binary systems of categorisation. Importantly these systems of categorisation are simultaneously material/emodied and digital and take both *metonymic* and *literal* forms. Understanding these complexities and tensions between borders and boundaries, is core to queer creative practice. Often moments in which boundaries are transgressed provide *flashpoints* where we may learn more about differences and similarities.

Monitoring categoric boundaries

Opening up or blurring rigidly drawn boundaries is made difficult by rapidly changing social values and technologies/platforms/tools. How do we arrive at consensus over who is included and excluded from a category? Nicholas (Nicholas, 2019) explores the ways that queer ethics can underpin debates over complex social issues that evade binary categorisation, including gender ambiguity and 'unconventional' family structures. In Australia in 2018 we saw the issue of same-sex marriage equality broken open for national debate in a non-binding, non-compulsory 'postal survey' that asked a yes/no question while invoking complex discussions about childhood, gender, religious values and social change (Vivienne, 2018b). Does the categorisation of a space – in this case marriage – offer affirmation or safety if the boundaries that contain it, are constantly being disputed? And what emotional labour is required to renegotiate the boundaries (for example, polyamory) in order to accommodate fluidity in practice and encoded in law?

Information scientist Jeffrey Pomerantz (2015) usefully distinguishes between different types of data and their uses – intended for description, administration, structural integrity, and/or preservation. Fundamentally he defines data as a 'category' which in itself is a unit of meaning that *summarises*. It must therefore be smaller and contain less information than the complexity that remains outside it, beyond the boundaries of the category. In this way whatever is contained within a category becomes *metonymic*, a stand in, for something larger. Metonyms are historically and socially situated signs that are often inscribed with the stature of normalcy, appearing to be essential elements of biology. Hence, we have everything from moustaches to cigars as metonyms for male-sexed bodies and skirts, jewels and powder-compacts standing in for female-sexed bodies (see Figure 2).

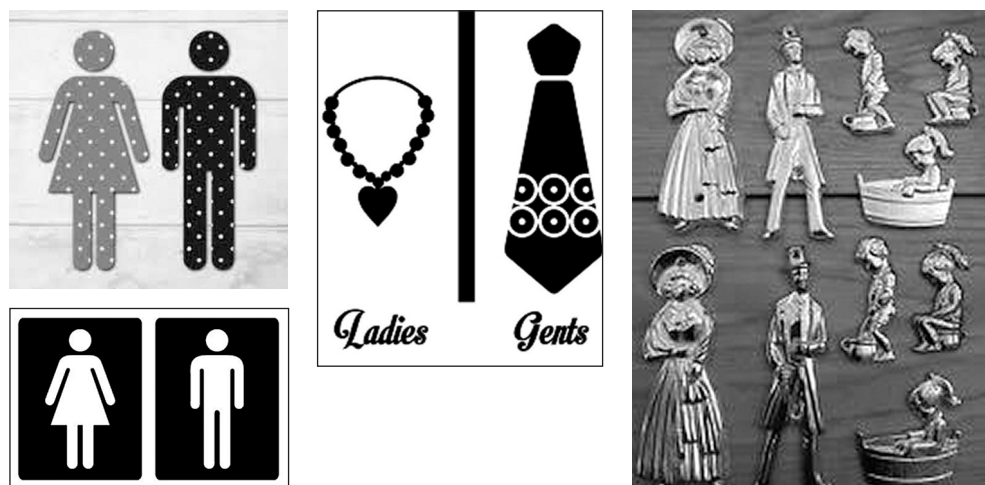


Figure 2. Metonyms for sexed bathroom spaces

These signs and symbols have an abstract correlation with bodies or sex organs, not a *literal* relationship. Consequently, analysis of these apparently timeless metonyms reveals categoric meanings that change in historical and socio-cultural contexts. Taking the example of pink and blue, we know that in the ‘global west’ and Anglo Christian colonies, prior to the turn of the century, many babies wore easy-to-bleach white, with Ladies Home Journal in 1918 proclaiming:

The generally accepted rule is pink for the boys, and blue for the girls. The reason is that pink, being a more decided and stronger color, is more suitable for the boy, while blue, which is more delicate and dainty, is prettier for the girl. (Hartmann, 2011)

Colour correlated with gender continued to change, influenced by market forces and biotech like pre-natal testing of gender. However, a more intersectional analysis points to the socio-cultural specificity of the apparently universal Ladies Home Journal, which is actually distinctively North American. Colour choices made by parents and carers beyond the categoric boundaries of ‘global west’ (which is in itself a contested unit of meaning) are notably absent.

Physical infrastructures, like gendered bathrooms and emergency accommodation for homeless people, remain overwhelmingly binary and inflexible at both architectural and systemic levels. Physical boundaries, like bathroom thresholds and airport immigration are *literally* monitored to enforce who is allowed in and who should be kept out. Consequently work-places, educational institutions and social service provision struggle to accommodate gender-diverse people. Here the boundary is literal, explicitly, visibly enacted and encoded in law, policy and social convention. Fundamentally these gender-boundaries are socially constructed, with metonyms of pink and blue standing in for the ‘truth’ of genitalia. The presence of a vulva or a penis does not, however, reveal anything fixed about gender identity; they are empty signifiers. Leakage between meanings – *metonymic* representations of gender and *literal* surveillance and enforcement – reveal the permeability of the boundary.

Proliferating gender categories

Despite forbidding cultural conditions, young people in particular are demanding a variety of new names that summarise their gender status. Our ‘Scrolling Beyond Binaries’ research included a 2016 national survey of more than 1,200 young people aged 16–35. We found a proliferation of gender-diverse identities on online platforms like Tumblr, where discussion of gender non-conformity is the norm, and the possibility of curating multiple identities is routine. Overall, 20% of our participants identified as non-binary or chose to define their own gender identities as “other” than male or female (Robards et al., 2019; “Scrolling Beyond Binaries,” n.d.). In the US, a report by GLAAD (Harris Poll, 2017) indicated that 12% of Millennials (aged 18–35) identify as transgender or gender non-conforming – double the percentage of people in Generation X (people aged 35–51). In 2016, research by the trend-forecasting Innovation group (Shepherd, 2016) also found that 56% of American Gen Zers (aged 13–20) know someone who uses gender-neutral pronouns.

Nevertheless, the proliferation of letters in the LGBTQI+ acronym is cause of generational hand-wringing and editorial comment. Neo-conservative opinion pieces take issue with the addition of new categories arguing that they all refer back to a ‘natural’ gender-binary and thereby contradict the premise of gender-theory which holds that gender is socially constructed (Stanton, 2018). Meanwhile, the truth of ‘real’ gender, as argued by (Dembroff, forthcoming) depends largely on what ‘social kind’ is held as evidence of group classification (e.g. genitalia, hormones, genetics, socialisation, identity etc.). While the categories themselves can be contradictory or ambiguous (for example there are at least forty scientifically acknowledged underlying traits that may be called ‘intersex’) this empirical multiplicity does not prevent ‘binary’ facts of gender being hotly debated in the field of analytical philosophy.

Leaving behind these somewhat arbitrary and unhelpful debates, we can ponder more pragmatic concerns. Can social change be nurtured by simply making new categories available – whether that be via architectural design (gender-neutral bathrooms) or digital infrastructures (non-binary options in surveys) or opportunity to change a birth certificate without onerous medical interventions (more on this later).

Social changes like these promise greater agency for non-binary people and acceptance of diversity and difference, with no great loss to those who are firmly wedded to static identity nominalisations. While it is important to note that *all discussions* about finite categories can end in conundrums about inclusion and exclusion that provoke parody and eye-rolling, minimisation of the significance of gender boundary-wars is a political strategy in and of itself. Meanwhile surveillance at state, community and personal levels highlights a binary and obscures discussion of blurry or fluid possibilities. How can we make opportunity to celebrate complexity and change? In the following I think through moments of literal and metonymic boundary crossing in gender diverse daily life as opportunities or *flashpoints* for queer ethics in practice.

Boundary-crossing

Citizenship status is generally encoded in our passports with a ‘M’ or ‘F’. This binary is also a mechanism for surveillance both metonymically and literally. As a non-binary person, I am acutely aware of the social and personal costs of navigating the boundaries of categories, both linguistic and legal. As an academic travelling to international conferences with an ‘X’ marked in my passport, approaching U.S customs whom only have ‘pink’ and ‘blue’ body-categories, fills me with anxiety. If a border-guard decides my ‘gender-expression’ (that is, their snap interpretation of my clothing, haircut, body language, voice) does not match my body-scan, they are within their rights to take me aside and search for ‘anomalies’ in the same way they would search for weapons. As described by Sasha Costanza-Chock:

I know that this is almost certainly about to happen because of the particular sociotechnical configuration of gender normativity (cis-normativity) that has been built into the scanner, through the combination of user interface design, scanning technology, binary gendered body-shape data constructs, and risk detection algorithms, as well as the socialization, training, and experience of the TSA agents. (Costanza-Chock, 2018)

Trans people globally share stories of border-patrol and their embodied negotiations of gendered citizenship. Experiments with circumnavigation or transgression of these borders range from packers as phallus, to asking for a pat down as alternative to body scan. These stories are sometimes wry, sometimes painful: after all, how does a legally affirmed non-binary person get assigned a same-gender TSA agent? As a result of these kinds of regulatory practices, many gender-diverse people choose not to travel at all because they *expect* to be harassed and discriminated against.

X: a placeholder for ‘other’ or ‘more’

Incompatible or incomplete forms of identification routinely place gender-diverse people at risk of harassment and discrimination. Where third (or more) alternate gender categories are made available, they invariably reveal inconsistencies in law and policy at state, national and international borders (Chiam et al., 2017).

In Australia we have a mix of approaches to gender-registration across states and territories with passports and marriage law dealt with at Commonwealth level, and birth certificates managed by States and Territories. Consequently, while we’ve been able to choose an ‘X’ category in passports since 2013 (with support of documentary evidence from a doctor or psychologist), changing the sex marker on birth certificates is still only possible in Australian Capital Territory, New South Wales and South Australia (since 2016) and at the time of writing was recently or currently being debated in Queensland, Tasmania and Victoria.

Sex at birth is generally, in the absence of genetic testing, inferred by visible anatomy (Hird, 2004). In many cases this inference is scientifically inaccurate and there are many variations of sex chromosomes that may or may not be visible. The Intersex Association of Australia, while acknowledging inherent difficulties in gath-

ering accurate data, estimate that approximately 1.7%, or 1 in 1500, of the population are born with genetic variations (IHRA, 2013). Recently in Tasmania, State Parliament passed legislation that allows parents to opt out of recording their baby's gender on their birth certificate (Howarth, 2018), while their sex assignment would still be collected, anonymised and archived as population data. Proposed legislation in Victoria simplifies the process of changing gender on birth certificate by removing requirements for sexual reassignment surgery and medical intervention (for adults, while under eighteens still need parental and medical approval) and allow self-identification with a range of gender identities provided that they are in common use and not offensive. Recently the Health Department in the State of Washington in the U.S allowed adult citizens to elect to change their birth certificate to an 'X' (Gander, 2019). In terms of social change, moves like these are typically accompanied by opposition and public outcry. Christian news blogs feature headlines like 'Breaking News: It's a Girl, Boy or 'X' on birth certificates' and cite Genesis 1:27: "So God created mankind in his own image, in the image of God he created them; male and female he created them." (Jones, 2017). 'The Australian' newspaper recently established a special section for gender issues and has so far published overwhelmingly anti-trans commentary including headlines like 'They're castrating children' (Langford, 2019).

Recognition

In 2017, when it became possible in South Australia to amend birth certificates to 'non-binary', I leapt at the opportunity. While I had never identified with 'intersex/indeterminate/unspecified', a (second) name change allowed me to acknowledge multiplicity with a new chosen middle name 'Asterisk'. For me this connotes all the foot notes to a longer story and, in code and search terms the * stands in for multiple alternate endings. I had my identity engraved on my arm.

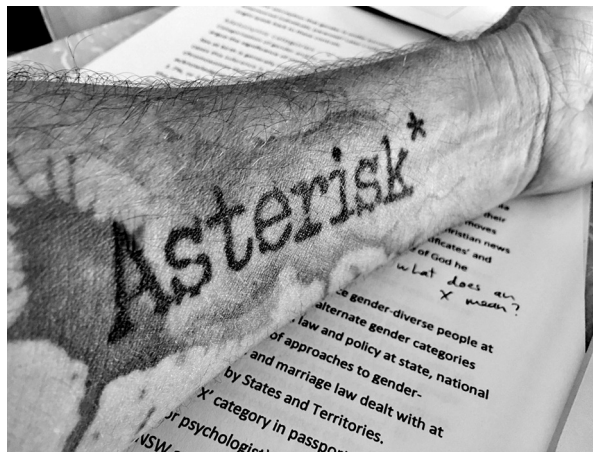


Figure 3. Name and gender change

However, what does an ‘x’ mean in terms of social recognition by other people, and their systems and machines? The Australian Passport office warns:

Sex and gender diverse passport holders should be aware that while Australian travel documents are issued in accordance with international standards, those travelling on a passport showing ‘X’ in the sex field may encounter difficulties when crossing international borders due to their infrequent use. The Department of Foreign Affairs and Trade cannot guarantee that a passport showing ‘X’ in the sex field will be accepted for entry or transit by another country. (Office, 2018)

With my body marked in accordance with my self-understanding, I ponder what part of this body might be deemed incompatible with the pink or the blue; what part of me is ‘anomaly’ to my gender expression? What/how will border-patrol people recognise me?

Digital technologies offer binary options as ‘0’ or ‘1’ – code that is built on assumptions of what is more likely (given a set of conditions) to be true than false. In the face of proliferating categories, we are challenged by facial/body recognition technologies that amplify the socially-constructed bias of first impressions and highly patrolled boundaries between binary categories of black/white, male/female, citizen/alien and of course pink/blue.

To return to the example of crossing borders and gender boundaries, Costanza-Chock reflects upon both literal and metonymic border patrolling through ‘millimetre wave scanning’ that contributes to ‘a sociotechnical reproduction of the gender binary’. They make an important connection between ‘embodied knowledge’ and the ethical design of Artificial Intelligence, contributing to a burgeoning field of Design Justice scholarship (Costanza-Chock, 2018). Without the experience of a gender-diverse body encountering a boundary between nations; the surveillance of a border-patrol officer and a scanning device; the binary gender encoded in a passport, it is difficult to gain insight into the nuanced complexity of designing ‘open’ systems and practices. This is a flashpoint for queer ethics.

Scholar of psychology and neuroscience, Todorov (Todorov, 2017) elaborates on the ways that ‘first impressions’ allow us to ‘make up our minds about others after seeing their faces for a fraction of a second’ and alludes to the ways that technology facilitates ‘these snap judgments [that] predict all kinds of important decisions.’

Physiognomists saw the face as a map that revealed the hidden dispositions of its owner. The value of the face is in its capacity to expose these dispositions. But the map we are reading is not the map physiognomists envisioned. The map is in our minds, shaped by our own culture, individual histories, and biases... Although the meaning of the map is elusive, we cannot resist reading it. We are the ones creating face value – making too much out of too little information. (Todorov, 2017, p. 15)

Quick readings of gender, with incumbent assumptions of power and authority, are not a focus of Todorov’s work, however he draws connections with surveillance technologies that are trained on normative data sets and skin colour, with inevitable racist implications. Further ‘the face’ that Todorov refers to may in some ways be regarded as a metonym for our ‘inner dispositions’. Snap judgement and facial recognition technologies call to mind an urgent need for queer ethics. In the face of uneven policy, law and administration, it is important to remember that M/F/X are merely metonymic signifiers that stand in for complex ways of doing gender and or being gendered.

Celebrating multiplicity with selfies

Most people inhabit multiple identities during a life journey (e.g. daughter, student, professional, mother) and these incongruencies are made highly visible and searchable by networked digital technologies. Consider how many online profiles we routinely manage. Do we share ‘safer’ versions of self with work colleagues, family or friends? When transition between divergent identities are measured in exclusively binary terms – e. g. young/old, rich/poor, female/male – we witness increased stigmatisation and a reduction of complexity of all the perfectly valid in-betweens. In the following I briefly describe a creative project as a process and practice of speaking back to surveillance of rigid gender binaries.



Figure 4. Intimate multiplicity

‘Code Switching Identities’ took place as a series of three hour long creative workshops in Melbourne in 2018. This was a pilot project that aimed to explore how trans and gender-diverse people create digital, fluid and multiple selves. Culminating in an art exhibition and coinciding with a public forum to be held in 2019, participants will exchange insights between how government agencies and private institutions measure gender, and what trans and gender diverse people, at different times and in different contexts, might need of service providers. What meaning is being made of our gendered data? How might it serve our needs rather than those of advertisers and multinational corporations? The initiative engages with creative methods to produce ‘un-gendered selfies’. In Figure 4, I offer an example of my own multiplicity, explicitly combining contrasting images of self, layered with personal memories not evident to the general public. I include ‘transition’ moments – my sister’s wedding, being awarded a PHD, getting glasses for the first time, the significance of my self-reflective work, and experiments with testosterone and body hair in my private and ‘safe’ bathroom.

Another creative strand in ‘Code-switching Identities’ invites non-binary people to share a public bathroom in which they feel ‘safe to selfie’. Participants will narrate the whys and wherefores of ‘safety’ including its fragile temporality. These audio-stories are geo-located via google maps and Instagram – podcasts with pictures. They explore notions of the gaze and mirror-reflections, interrogating and destabilising the very idea of finite and perpetual safe spaces. In ‘Queering Bathrooms’ an interviewee offers their embodied experience of the triangulation of self-other-sign (Cavanagh, 2010).

I am washing my hands and a woman opens the door and sees me and stops. She doesn’t look at me, but steps back and looks at sign on the door... ‘Am I in the right place?’. (quoted in Cavanagh, 2010, p. 65)

Vasseleu describes this as a process whereby the ‘body of perceiving subject is given form and content through its experience of surrounding objects’ (Vasseleu, 2002, p. 51).

Public discourse (society as ‘the surrounding objects’) about who is entitled to feel safe in a bathroom runs the gamut, from statistics on how many cisgender people have been attacked by transgender people in bathrooms (apparently none, see Bianco, 2015), to ‘Psychology Today’ articles that measure the cost of ‘unequal access’ (McClintock, 2016) to Twitter/Instagram campaigns (Spears, 2015) like that of Rain Dove described previously. Thanks to the broad and specific search terms of google algorithms (categories in themselves) it is not difficult to locate very raw stories from regional young people who would rather not ‘leave the house because it’s too hard to find a toilet that I feel safe in using.’ (Treloar, 2018)

Hyper-astute gender-diverse people might relate to descriptions and analysis of the ‘quick exchange-of-looks’. More explicitly they may find corollary in how they experience social surveillance in their bodies, with racing heart and incessant self-surveillance. This research participant (ibid) describes the complex process that may need to be navigated invoked by previous public bathroom experiences.

I don't feel entitled to stand in front of the mirror and check my look and fix my hair [as I do at home]. I want to get out of there [the public bathroom] as fast as I possibly fucking can... [This]... hyper... visible... space... in the bathroom, it's all about gender-presentation. (quoted in Cavanagh, 2010, p. 100)

'Safe to Selfie' podcasts invite the re-narration of momentous public bathroom moments. The process of stepping up to gender-surveillance, just as we square up to our own reflection via mirror and smart phone camera, is a process of self-identification; claiming a category. In creating 'face value' we determine which information or impressions we offer to our social networks. Ironically, the possibility of designating a 'safe' bathroom on a google map may also make it a target. The contingent nature of safety is exemplified here.

Self-surveillance: online and embodied

Self-surveillance of both our bodies and our digital traces is onerous work. When eliciting these stories from vulnerable communities it is important to help carrying the burden, even if it is momentary. We've written elsewhere on queer methods as 'holding a space' (Vivienne et al., 2016). Framing workshop activities and explorations around uncertainty is important. Regular checking in with participant/storyteller needs, before during and after workshops is foundational. While we cannot guarantee that the space that we create for storytelling will always stay that way, creative practice and public digital self-representation also offers a process in which gender-diverse people can experience holding themselves.

I have used my own experiences as data for this article, in deliberate 'queering' of the scientific method. Rather than expose research participants to scrutiny I offer up my body, and its digital traces. This, alongside carefully facilitated creative group practice, is a framework for queer ethics in practice. Were it not for my skin-in-the-game (including a close up of my tattooed and hairy arm), I would not be able to draw upon embodied experience of transitioning across boundaries.

When I 'came out' as non-binary and gender-queer online, I had no way of knowing who had read my confessions... or not. Initially I wrote a blog piece and assumed that pretty much no-one saw it (I don't have a big readership). Then I shared the link on Facebook, and I consciously prepared myself for public comment at work. My body was on edge, when I chose a bathroom – who might I see there? I was conscious of the sound of my cowboy boots clipping in the corridor – did they sound like high-heels?

As time went by, a few people commented on Facebook... but I became increasingly aware of the ways that timeline algorithms work. They effectively guaranteed that even the most vigilant follower may miss an occasional update.

Because I no longer knew *who knew what* I became hyperaware of my vocal pitch and facial hair. High alert. ALL. THE. TIME. When previously I'd assumed that no-one would notice subtle changes, now I felt like everyone was scrutinizing me, looking for signs. I felt like my skin was a bundle of nerve endings exposed to violent changes in temperature... and mood.

This excerpt highlights the networked and personal nature of conversations about and across gender. Here I argue for recognition and understanding of non-binary ‘in-betweens’ and ‘in-progress’. Whether via gender experimentation or more conventional self-development, *growth* requires *change* that calls for, and sometimes requires, transgression of social averages. As a sensibility and theoretical framework queer ethics in practice acknowledges the slipperiness between categories and the importance of gently holding a space for self-identification.

Conclusion: accommodating the ‘in-betweens’ and ‘in-progress’

In current debates over the universality and/or intersections of identities, as rendered by facial recognition, algorithmic prediction and targeted advertising, reflection on the literal and metonymic categories of binary gender are urgent and overdue. Re-framing these debates around the agency of people who are most affected is also imperative. Producing ‘un-gendered’ selfies in ‘safe’ (momentarily, contextually) public bathroom spaces is just one form of hyper-astute critique of gender categories.

Projects like ‘Code-Switching Identities’ acknowledge that our different selves can make us greater as individuals. Collectively, accommodating ‘they’ as a framework for the multiple, fluid in-betweens, is a small shift in a continuing evolution of how we understand, categorise and name gender. Literally and metonymically the non-binary X allows some of us to move between the binaries of masculinity and femininity with less monitoring and more joy. The production and curation of our online trace and ‘un-gendered selfies’ constitutes creative activism that somewhat relieves the burden of discrimination, and battle fatigue. As a process and practice of sharing selves it is embodied, *as well as* literally designated, *as well as* replicated across networks. Negotiating personal movement (or transition) between categories calls on hyper-astute readings of nuance – a kind of gender-diverse superpower for broaching categories. These encounters, in turn, offer flashpoints for queer ethics in practices. In making up our own meanings and selfie-montages, we claim our boundary transgressions as opportunity to share our ‘extra-sensory’ perception.

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Beyond Trans: Does Gender Matter?

Heath Fogg Davis, New York: New York University Press, 2017

Reviewed by Blase A. Provitola

Transgender Justice and the Administration of Sex/Gender

Following the Trump administration's repeated attempts to further legalize discrimination against transgender people, Heath Fogg Davis's *Beyond Trans: Does Gender Matter?* seems a refreshing push for an immediate public policy shift towards greater trans inclusion. Davis draws from his expertise as a Political Science professor and consultant, coupled with his experience as a transgender man, to ask: Is there a legitimate basis for public and private sector institutions classifying us according to sex and gender?

Davis challenges the ways in which sex classification has become an unquestioned structuring principle of our daily lives, dedicating each of four concise chapters to a different case study: government-issued identification documents, public restrooms, same-sex college admissions, and sports. Davis examines a variety of recent legal texts, policy documents, and press articles in a prose clear enough to be accessible to anyone interested in the administration of sex/gender. Indeed, he even includes gender audit documents as an appendix, so that readers may be able to, when relevant, evaluate and pursue changes to their own organizations. At the same time, his focus on reform within current legal and policy frameworks limits the sorts of futures we might imagine when we think about moving "beyond trans."

I. Beyond Trans Inclusion

Beyond Trans can be considered as part of recent feminist, queer, and transgender studies scholarship that questions whether existing legal structures are an appropriate foundation for resistance movements (Duggan, 2003; Sycamore, 2004; Spade, 2011; Conrad, 2014), and that points to a future where gender might go far beyond the binary (Bornstein and Bergman, 2010; Halberstam, 2017). Davis considers that the common transgender rights strategy of assimilation and accommodation, which mimics strategies adopted by liberal feminism and gay and lesbian rights organiza-

tions, has failed to question the gendered nature of existing structures. In doing so, he positions himself as increasing administrative and organizational efficiency while also radically questioning liberal demands for transgender inclusion. These demands have typically centered around easing the legal change of sex markers for trans people and ensuring their safety and access to sex-segregated spaces. Most institutional aims, Davis argues, are not actually furthered by the omnipresent checking of “M” and “F” boxes. So why retain them?

Davis names the constant “judgment about whether a person belongs to the category of male or female” as “sex-identity discrimination” (2). This is a timely intervention, as government officials debate whether Title IX, widely considered to be one of the most comprehensive frameworks for legal protection against sex discrimination in the United States, should protect transgender people. On October 21, 2018, the *New York Times* detailed one of the Trump administration’s memos suggesting that Title IX would no longer follow former president Barack Obama’s guidelines (Green et al., 2018), which had recommended that government officials “treat a student’s gender identity as the student’s sex” (Gupta and Lhamon, 2016). Instead, the article went on, “The agency’s proposed definition would define sex as either male or female, unchangeable, and determined by the genitals that a person is born with,” with any possible ambiguities to be judged based upon genetic testing.

Davis’s differentiation between traditional notions of sexism and sex-identity discrimination develops a vocabulary through which to understand the particular struggles undergone by those whose gendered experiences are erased or illegible within the legal system. Once this classification has been named as a matter of discrimination that must be addressed, Davis can then go on to explain how “the basic structure of antidiscrimination law can help us make this happen” (17). This existing structure is legally known as the “rational relationship test,” which is the determination of whether a classification of people “is harmful, and whether it is necessary” (17). (Currently, the classification of gender must pass the slightly higher threshold of the “intermediate scrutiny test,” since it is understood to have been historically linked to women’s oppression, whereas the classification of race must pass the highest threshold “strict scrutiny test,” since the latter is more widely understood to have served primarily racist ends.) Davis pushes public and private sector organizations to ask themselves: does gender matter?

In Chapter One, Davis begins with the case study of government-issued identity documents. Does the inclusion of legal sex markers rationally relate to the policy aim of being able to identify individuals? Since people might have unisex names, and one’s sex is not immutable, Davis concludes that identity documents should have legal sex suppressed. There are, after all, many other immutable characteristics that could be used for identification purposes and that are not related to sex classification.

He applies this method to sex-segregated colleges, restrooms, and sports, in each case advocating for a reduction in sex classification. Restrooms could be redesigned without sex segregation so as to attain the goal of maximal safety and relative privacy for all. Same-sex colleges should rework their admissions processes to state their institutional aims and explain, if necessary, how sex classification works towards those aims. Finally, sports might, for example, base competitions off of testosterone

levels rather than sex if their goal is to level the proverbial playing field. (For most non-professional or less competitive contexts, Davis suggests that any form of biological sorting might be counterproductive, since the aim is often individual physical fitness or the creation of a congenial atmosphere.) Though sex identification is sometimes legitimate, it could be vastly reduced were it restricted exclusively to contexts where it furthers a stated policy aim.

Ultimately, Davis's most important contribution may be to challenge the apparent opposition between liberals and conservatives on the subject of transgender rights. Republicans have justifiably come under attack in the liberal press because of repeated attempts to make genitals assigned at birth the basis of immutable legal sex (such as House Bill 2, a 2016 North Carolina state law mandating that individuals use the gender-segregated restroom corresponding to the sex on their birth certificate). Liberals point to the halcyon days of Obama, who urged officials to consider gender identity as legal sex in some contexts, in contrast with the nightmarishly transphobic Trump administration. Yet both sides of the debate continue to reinforce a key assumption within the very conservative policies that they seek to dismantle: that sex identification is necessary in the first place. "Liberal accommodation," Davis states, "is conducive to conservative ends" (78).

It is certainly valuable to question the assumptions shared by liberal and conservative approaches to law and public policy, and in doing so Davis situates himself as taking a more radical stance. At the same time, it also begs the question of what it means to take a non-assimilationist approach to law and policy reform. In the following three sections, I will critically examine Davis's recommendations by asking whether it is possible to critique liberalism without proactively advocating for radical change *beyond*—rather than *within*—the current system.

II. The Law of Sex/Gender

Davis situates his critique of trans inclusion within a broader gender studies framework. Our understanding of the relationship between the terms "sex" and "gender" speaks to which sorts of gendered subjectivity we believe we can inhabit. Davis's insistence upon a definitional separation between these two terms, coupled with his own incapacity to maintain stable definitions throughout, leaves the reader wondering how he envisions the relationship between the legal and the social. Should sex and gender be considered as two distinct categories? Which legal consequences does that entail?

Davis of course rejects the conservative view that so-called "biological sex" equals gender. But he is also careful to situate himself as being at odds with the common liberal counter-narrative that he recalls having once ascribed to in his own lesson plans: "I taught my students, just as I had been taught, that 'sex' referred to the biological categories of female and male, and that 'gender' referred to the socially constructed norms that we, as a society, construct and attach to the sex categories of male and female" (29). This is the view taken up in most "liberal feminist theory and

jurisprudence” (29): sex and gender are distinct, and one should be able to autonomously determine gender identity beyond one’s sex assigned at birth.

In a surprisingly brief account of gender studies scholarship, which focuses exclusively on Judith Butler’s notion of gender performativity, Davis suggests that we re-evaluate the assumption that sex and gender are distinct. For Butler, the sex/gender system relies on the constant repetition of social custom that congeals into what we consider to be the natural dyadic sexes. Maintaining a division between sex and gender inscribes within the realm of “sex” some unchanging biological reality, when that is itself *also* socially-determined. Instead of considering sex to be immutably assigned at birth in comparison to one’s socially-constructed gender, Butler’s innovation is to state that they *both* performatively shape our material understanding, and that there is no original to which to return. Sex was gender all along.

Yet even as Davis agrees that sex and gender are two sides of the same coin, he argues that collapsing the two “robs us of a language with which to differentiate between the sexism of sex-based disadvantage and the sexism of sex-identity discrimination triggered by sex-classification policies” (31). Sex and gender may both be socially constructed, but a conceptual distinction between the two is necessary for parsing out different forms of discrimination: “Just because we perform sex/gender simultaneously, and both are socially constructed, does not eviscerate the conceptual distinction between sex and gender. Gender stereotypes are at the heart of traditional sexism [...] Sex-identity sexism envelops traditional sexism, but goes further to assess who is permitted to be in the categories of male and female” (31–32). For Davis, this distinction is necessary to name the discriminatory nature of most sex classification policies.

Nowhere, however, does Butler state that there is no *conceptual* distinction between sex and gender; rather, it is that very conceptual distinction that naturalizes oppression. If liberal feminism focuses on dismantling traditional sexism, then Butler’s queer feminism has helped us understand that the distinction between sex and gender is a social gate-keeping mechanism determining what belongs to what we see as the immutable “natural” versus the potentially-malleable “social.” Emi Koyama has developed this line of thinking in “The Transfeminist Manifesto:”

Transfeminism holds that sex and gender are both socially constructed; furthermore, the distinction between sex and gender is artificially drawn as a matter of convenience. While the concept of gender as a social construct has proven to be a powerful tool in dismantling traditional attitudes toward women’s capabilities, it left room for one to justify certain discriminatory policies or structures as having a biological basis. It also failed to address the realities of trans experiences in which physical sex is felt more artificial and changeable than their inner sense of who they are (Koyama, 2003).

What does maintaining this distinction, then, accomplish for Davis from a transgender justice perspective, and can he avoid the liberal feminist pitfalls of which he is so clearly aware?

Whereas some parts of the United States tackle transgender discrimination by adding “gender identity” clauses to their existing gender legislation, Davis believes that “sex-identity discrimination” better pinpoints the issue of judgment about whether one belongs to the sex categories of “male” or “female” (2). He recognizes that, legally, the terms “sex” and “gender” are often used almost interchangeably,

demonstrating that in most contexts the conceptual distinction between the two is highly ambiguous. And indeed, by the time Davis gets to his own specific policy recommendations, he is unable to maintain this distinction.

This is apparent in Davis's own materials that he used in the gender audit of a corporate bank, included in the appendix at the end of the book. Though he consistently uses the term "sex-identity discrimination" throughout the book, his appendix defines "gender identity discrimination" as being "judgments about whether or not a person is male or female" (153). Here, he is presumably adopting the very legal strategy of discrimination based on "gender identity" that he began the book by criticizing (2). He then defines "sex" as "how a person identifies, or is identified, in relation to the categories of male or female, or both," and defines gender as "how a person expresses, or is perceived as expressing, the concepts of masculinity and femininity (e.g., clothing, haircut, mannerisms, comportment)" (152).

The distinction between these terms risks sliding into precisely the sort of liberal feminist approach to sex and gender policy that he critiques. For example, Davis applauds Fenway Health Center in Boston for their approach to sex and gender on their intake form, which asks for people's "preferred name and pronouns" in addition to asking for their legal sex (143). But the term "preferred" pronoun implies that behind that *preferred* one lies their *real* pronoun. Despite all good intentions, this reinforces precisely the kind of problematic cisgender "allyship" that has been criticized by transgender activists since day one. Sex is ultimately the "real" box you have to check, that generally determines which types of care and consideration one receives. The blog *Androgeneity* just about summed it up by saying that "trans 101" rhetoric separating sex and gender is "more of a useful device for cisgender people to seem inclusive while still being transphobic, rather than something that actually benefits trans people" (*Androgeneity*, 2015).

My concern here is not that Davis should resolve this issue with more consistency and definitional clarity. My objection is that his attempt to nail down these definitions betrays a broader belief that clarifying terms *can* solve the problem. He seems to believe that the legal slipperiness between them is due to poor design, and that correcting this language will correct the world. Yet part of how these terms enact administrative and material violence upon trans people is through their very malleability, which allows both liberal and conservative lawmakers to continually shape them to transphobic ends.

III. The Nonperformativity of Policy

In Davis's sample gender audit materials, he suggests that organizations begin overhauling their approach to sex/gender by asking: "Is sex classification necessary for achieving the policy/practice goal?" A "proactive" approach to sex eliminates sex-identity markers to the greatest extent possible (for instance, by replacing male and female pronouns with "the employee"), whereas an "innovative" approach would go beyond that by actively affirming individuals' right to determine their own identity—for instance by adding a statement to the handbook "reiterating the firm's

strong commitment to affirming the self-reported gender identity of all employees” (155). This approach, which would indeed reduce the day-to-day stress of transgender people navigating their workplaces and public services, espouses a few of the book’s major assumptions regarding policy: that policies only accomplish their stated aims, and that commitments to equality actually do what they say they do.

Much of the book’s argument seems based on the belief that, armed with reason, administrators will choose to decrease sex-identity discrimination. Davis does acknowledge that it will be no easy task to convince them (142), though, in part because “removing the sex markers from such documents is tantamount to extracting the first card that topples the house of cards that is sex classification” (142). If policy-makers pursue Davis’s rational line of questioning, then eventually the whole system will reveal itself to be based upon shaky foundations, which will incite change. Yet here Davis speaks to the *unstated* policy aim of so many of the sex/gender boxes that we must check: what if the consolidation and concealment of this “house of cards” is actually one of the most important and least clearly-stated functions of sex-identity classification? How might power operate in ways that cannot be easily identified and addressed?

Legal scholar Dean Spade has drawn on the scholarship of Michel Foucault to suggest that power functions in a multiplicity of ways, not all of which can be easily addressed within nondiscrimination law. In his recent book *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law*, Spade applies Foucault’s concept of “population management power,” which he defines as power that “is not primarily operating through prohibition or permission but rather through the arrangement and distribution of security and insecurity,” and that “distributes life chances across populations” (Spade, 2011, p. 110). Identity documentation programs are one such example of this power, because they do not enforce any kind of direct legal discrimination against transgender people, but rather expose them to violence through the creation of administrative roadblocks. While Davis’s proposed solutions would certainly remedy some of those roadblocks, they do not address how the “house of cards” is part and parcel of how, as Spade puts it, these administrative programs “produce clear ideas about the characteristics of who the national population is and which ‘societal others’ should be characterized as ‘drains’ or ‘threats’ to that population” (Spade, 2011, p. 110).

In a similar vein, Sarah Ahmed explores how policies’ effects frequently differ from their stated aims. She asserts that verbal commitments to diversity and inclusion in reality often lead to further marginalization of oppressed groups. Verbal commitments to equality are typically assumed to be what John Austin has called a “performative utterance”; equality clauses are interpreted as binding the institution to action. Ahmed, however, argues that university diversity policies are in fact “non-performative”; it is precisely their existence that can make coming forward with accusations of institutional racism most challenging. Students and faculty alike are frequently met with responses that their concerns cannot possibly be founded at an institution that is committed to equality. “In other words,” writes Ahmed, “the failure, or the nonperformativity, of anti-racist speech acts is a mechanism for the reproduction of institutional authority, which conceals the ongoing reality of racism” (Ahmed 2006, 110).

Let me extend this analysis to an example of sex-identity discrimination from my own research experience. *Cineffable* is a Paris-based international lesbian feminist film festival whose “woman-only” attendance policy has come under increased scrutiny from queer and trans activists for the past several years. In 2018, the festival, whose website states that it is only open to women, responded to concerns about trans exclusion by stating on its Facebook page that it is open to “all people who identify as women.” This clause purportedly welcomes trans women, yet in reality very few attend. Gender policing at the door of the festival means that transgender women who do not “pass” as cisgender are unlikely to feel welcome in that space, the film’s programming contains few or no films with trans characters or directors, and the festival’s exhibits frequently contain essentialist, transmisogynist imagery that directly equates vulvas with women’s corporeal experience. Thus, this statement of apparent inclusion functions nonperformatively because, when the festival organizers are accused of transphobia, their commitment to inclusion provides them with an alibi for structural transphobia. As one *Cineffable* supporter pointedly asked, “What is transphobic about seeing trans women as women?” (Delphine and L., 2018). (There is not enough space here to discuss the festival’s explicit exclusion of non-binary people and transgender men, which, as despicable and indefensible as it may be, has at least allowed for open debate on the subject.)

Ultimately, an organization’s commitment to equality may actually be harmful to the aim of assessing and addressing structural transphobia. This means that, despite Davis’s clear intentions to the contrary, transphobia is likely to persist *because of* and *through* his policy recommendations. Indeed, transphobia may actually become more difficult to address through coded or seemingly inclusive language. Oppression operates by and through the law precisely in its repetitive and performative functions that are not necessarily explicit, clearly intentional, or easily addressed through policy reform.

IV. The Limits of Legal Reform

My final question regarding this book, which builds upon the previous ones, is to ask, broadly, what going “beyond trans” allows us to do. If Davis focuses on asking whether “gender matters” in accomplishing legitimate stated policy aims, then how are we to determine what constitutes a legitimate policy aim in the first place? Which policy aims should be combated in and of themselves, and which ones should be reformed through his rational relationship test? This concluding section will return to Dean Spade’s reflections in order to interrogate the limits of Davis’s approach.

It is clear, for example, that Davis does not deem legitimate House Bill 2’s purported aim to increase the security of public restrooms, rightly insisting on its thinly-veiled transphobia (56–57). However, in Chapter One he states that “personal identity verification” is a “legitimate policy aim” (28)—albeit one that would be better served through the use of biometrics instead of gender markers: “Biometric techniques are promising because they zero in on unique personal identity features that are (mostly) immutable, instead of sex identity, which is mutable and not a

unique personal characteristic” (51). Davis goes on to cite the 2005 REAL ID Act, which pushes for the use of biometrics in identifying applicants (51). This brief example is a telling one.

The REAL ID Act was passed based upon recommendations from the 9/11 Commission in order to increase national security via tightening the restrictions on driver’s license applications. In addition to increasing the use of technologies in measuring and recognizing individual human characteristics, this law requires individuals to provide documentation that they are in the country legally, and federally mandates the information to be printed on all licenses. It continues to require the appearance of “gender” on all driver’s licenses. Davis recognizes that “concerns over the loss of privacy and liberty that increased governmental surveillance can produce are valid,” which makes it all the more unexpected that he does not propose to address this in any way (52). Merely validating this critique does little to assuage my concern that his focus on certain legal reforms is causing him to lose sight of what trans justice must look like for the most vulnerable members of that population.

By contrast, Dean Spade contextualizes the REAL ID Act within a broader project of transformative trans justice. Like Davis, Spade sees ID documents as a critical site of struggle for trans people as they are subjected to administrative violence, but Spade emphasizes that, far from neutrally identifying individuals, “these systems are part of a national security project that constructs national norms to sort populations for the distribution of life chances” (152). Rather than attempting to integrate transgender people into the existing system, Spade works for the “emergence of politics and resistance strategies that understand the expansion of identity verification as a key facet of racialized and gendered maldistribution of security and vulnerability” (154). Though he would undoubtedly laud the elimination of legal sex markers, he is careful to situate any reform within the context of post-9/11 fear-mongering and targeting of undocumented immigrants. “Identity verification” can only be considered a legitimate aim if one ignores its persistent gendered and racialized aims and effects.

Davis’s legal harm reduction model is in part inspired by Spade’s call for a focus on administrative reform as a way to concretely reduce violence against transgender people, and in particular those who are most vulnerable: undocumented people, racialized people, poor people, people with disabilities (27). These approaches cannot be boiled down to a “practical” reformist approach, on the one hand, and a “utopian” revolutionary approach, on the other; indeed, Spade discusses both. Rather, it is a question of contextualizing certain practical recommendations within a larger intersectional approach to trans justice. Spade demonstrates that law and policy intervention in the administration of sex identity is effective because it can mobilize people, raise awareness, and help people survive. Ultimately, however, Spade contextualizes those legal changes within a broader struggle for prison abolition, economic justice, access to healthcare, and the end to immigration enforcement (39). If *Beyond Trans* situated its reforms within larger and longer-term political struggles, then many of its recommendations could easily be understood as a part of that broader project. Without that overarching framework, Davis’s approach to legal reform cannot be truly intersectional.

Ultimately, then, going “beyond trans” still risks focusing on harm reduction for the most privileged members of the trans community, helpfully interrogating some

forms of transphobia while failing to address the concerns of, for instance, undocumented or incarcerated people. If going “beyond trans” is to entail a broader change that would benefit *all* trans people, then he would need to take transgender experience as a site through which to identify and understand administrative transphobia, and then use that perspective as a springboard to work towards more radical change. As Spade puts it, “Trans people are told by the law, state agencies, private discriminators, and our families that we are impossible people who cannot exist, cannot be seen, cannot be classified, and cannot fit anywhere. [...] Inside this impossibility, I argue, lies our specific political potential—a potential to formulate demands and strategies to meet those demands that exceed the containment of neoliberal politics” (Spade 2011, 41).

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The Politics of Everybody: Feminism, Queer Theory, and Marxism at the Intersection

Holly Lewis, London: Zed Books 2016

Reviewed by Roz Ward

The election of Donald Trump to the White House in the USA has re-ignited debates about the relationship between class and identity in Western politics. A public polarisation around particular ‘culture wars’ has targeted queer and transgender people internationally (Kováts, 2017). As a result, there has been a radicalisation within the conservative right of politics (Nicholas and Agius, 2017). For example the boldness of President Trump in expelling transgender people from the US army (Phillip, 2017) and the compulsory promotion of heteronormative family values under the Presidency of Bolsonaro in Brazil (Phillips, 2018). In this challenging context, Holly Lewis proposes a theoretical response to the question of how to fight for economic justice *and* against gender or sexuality-based oppression.

Lewis certainly has an ambitious aim, to support a new generation of queer and trans Marxists in a quest to engage Marxist theory in a contemporary dialogue with Feminism and Queer Theory. Within this dialogue, Lewis is clear that Marxism offers a “fundamental insight” which is “that capitalism operates through the expropriation of surplus value from labour” (pp.89). The book goes on to argue that “the centrality of class is tactical, not moral” (pp.275). This points to the potential that the working class has to shut down production and therefore provide a material challenge to the exploitative economic relationships that are central to capitalism. The working class – in all their diversity – are not deemed to be morally more progressive but are the only people who hold a collective and strategic power.

Historically, many scholars and activists have attempted to understand and explain the ways in which economic exploitation and class divisions are connected or intersect with women’s and queer oppression. Indeed, it has been one of the key challenges for both Marxists and Feminists since the 1970s (Vogel, 1987, Gimenez, 2005, Sayers et al., 1987). In *The Politics of Everybody*, Lewis proposes a new approach to thinking about queer and trans oppression from an economic perspective; *queer Marxism*. Where Lewis argues that classical Marxism “failed to keep up with much of the argument” around queer and trans politics, this book races to make up that ground.

The book is structured in four parts that aim to examine contemporary queer and trans politics with a materialist lens. For Lewis, a Marxist ‘politics of everybody’ is not about erasing individual identities, but attempting to reveal key social relationships that underpin capitalism. In attempting to engage with readers from

different theoretical backgrounds who may be unfamiliar with Marxism, the book begins with a lengthy section outlining what Lewis describes as the “terms of the debate”. This includes a useful introduction to the economics of capitalism as well as an argument that philosophical and theoretical debates are best understood in their material context with a whirlwind tour of some of the major shifts that have led to Queer Theory. The second section endeavors to challenge some of the caricatures of Marxism through historic examples and set the scene for the subsequent case for *queer Marxism*. In the Conclusions section, Lewis calls on readers to ‘take sides’ with an inclusive internationalism that recognises the urgency of creating a shared future free from oppression and exploitation.

In many ways, Lewis’s work fits within the developing field of Social Reproduction Theory that finds its origins in the 1970s debates on how to account for women’s domestic labour within a Marxist analysis of capitalism. The major contours of these debates can be found in Lise Vogel’s 1983 book *Marxism and the Oppression of Women: Towards a Unitary Theory* that was re-published in 2013 (Vogel, 2013). Vogel sets out to challenge the idea that two theories are needed for the separate systems of patriarchy and capitalism, a position known as ‘dual-systems theory’. However, despite wanting to defend Marxism, Vogel also argues that there was “in-disputable failure [on the part] of Marx and Engels to develop adequate tools and a comprehensive theory on women” (1987). While Lewis is also offering a defence of Marxism, she similarly concedes that there are gaps in the work of Marx and Engels around how to explain sexual oppression and a “blind spot” in relation to the reproduction of the working class (pp. 144).

Tithi Bhattacharya’s edited collection of essays *Social Reproduction Theory* (2017), like *The Politics of Everybody*, aims to fill this perceived gap in how to understand the role of generational reproductive labour in sustaining and maintaining exploitation and capital accumulation. Bhattacharya argues that the “fundamental insight of SRT is, simply put, that human labor is at the heart of creating or reproducing society as a whole” and that it “seeks to make visible labor and work that are analytically hidden by classical economists and politically denied by policy makers” (Bhattacharya, 2018). *The Politics of Everybody* operates within this SRT framework to draw out further connections between these forms of reproductive human labour and queer oppression.

Lewis relies heavily on the work of Vogel in particular throughout the book, arguing that understanding the relations of production rather than property relations is key to being able to fit women’s oppression into a Marxist understanding of capitalist economics. The basic premise is that capitalism needs a supply of labor power that is most commonly provided through “generational replacement” (pp.151) - workers having children who become workers – rather than immigrant labor or bringing non-working adults back into the workforce (e.g. former full time parents, prison labor, or unemployed homeless). The primary role of women as caregivers for children and in performing the domestic labor necessary to sustain workers other than themselves is therefore crucial to maintaining the relations of production.

While families are the fundamental unit for generational replacement, Lewis gives examples of other forms of labor production that do not require family units. These include labor camps and prison labor which are always segregated by sex.

When workers in these camps leave or die they are replaced by other prisoners or laborers. Lewis argues that as a result of these alternative methods of replacing workers, “queer subcultural practices are simply not inherently anti-capitalist” and that “the truth is that capitalist expansion can do quite well without the family”. While these examples of labor reproduction outside the family are useful, the question of where the alternative replacement workers come from is not addressed. Presumably the next intake of prisoners or workers in a labor camp were mostly born and raised within privatised family structures?

Within these feminist debates about the centrality of the family, Lewis correctly identifies a failure to account for racial divisions in society. Drawing on the work of Angela Davis, Lewis argues that due to the conditions of slave labour in the US in particular, a different history of gender relations can be found in Black communities. The subsequent ‘undoing’ of the gender of Black women under slavery was not progressive, it meant that they were treated and worked as hard as men (pp.157). Racist gendered stereotypes in relation to Black men and Black women continue to serve to promote social violence and assist the refusal to accept the fact that Black lives matter. The relationship of Black women to reproductive rights also has a different history with brutal sterilizations performed on hundreds of thousands of Black women across the US in the mid-twentieth century (pp.160).

It is when Lewis moves on to provide a critique of patriarchy, identity politics, intersectionality and queer theory that the strongest elements of the book emerge. In these sections there is a refreshing directness to the style of writing that leaves no doubt about the point being made. The critique of a politics of queer ‘lifestyle’ comes under a particularly direct attack;

It is romantic to think that you can change the world through diverse sexuality, creative self-expression, and communal bonding. But you can’t...

Thus, those who are gender non-conforming are not necessarily poor; those who are gay and lesbian are not necessarily middle class. Opposing normativity is a politically empty gesture. Queer culture is not anti-capitalist. And neither is queering culture (pp. 275–6).

When queer subculture is raised to the level of political principle, it becomes an elitism that ultimately can be inhabited only by those financially independent enough to break their ties with the working classes and by those who do not have to worry about racist, anti-immigrant violence (pp.164–5)

The critique of identity politics is equally incisive. Lewis situates the rise of a ‘vector system’ of oppressions that have no clear origin but might sometimes ‘intersect’ in low levels of class struggle, the degeneration of Marxist influence in the academy, and the position of middle class thinkers. This section demonstrates a useful materialist approach to understanding theoretical or academic ‘turns’. Expanding on the work of Barbara Fields (Fields, 1990, Fields and Fields, 2014), Lewis goes on to use the example of race to illustrate the weaknesses of a politics of identity. Lewis (and Fields) argue that race is best understood as an ideological product of racism not an innate sense of white superiority that can be thought of ahistorically. In a similar way, ideas about gender and supposedly ‘biological’ sex categories can be understood, as Judith Butler does, as a product of repeated actions based in social relations that become normalised (p.199).

These explanations for race and gender are then compared with the way in which class is perceived as a category of oppression. The idea, or more accurately the ideology, that people can move between classes or that they occupy a position in the working class due to individual failure provides a level of suspicion not present in other categories of identity. Without an economic framework, class discrimination becomes *classism* which can only really be addressed by correcting people's wrong ideas. This is presented as a further failure of identity politics.

Turning to the queer part of *queer Marxism*, Lewis situates the emergence of the first gay liberation movement alongside a broader emancipatory project associated with a whole series of class and identity-based struggles that culminated in the high point of May 1968. These movements retreated through the 1970s and were further limited and fractured with the AIDs crisis in the 1980s. Lewis argues that the politics of Queer Nationalism could only develop in a climate where Marxism was thoroughly rejected. The establishment of 'safe spaces' created new barriers between queer and straight people where queer was promoted above other differences in political activity. Lewis is correct to identify the weaknesses in some of the subsequent work that claimed to provide a Marxist critique of Queer Theory (Morton, 1996, Kirsch, 2013, Penney, 2013). Lewis argues that these often highly polemical works fall into the trap of ascribing too much weight to the idea that theory drives activism and often end up becoming an argument for a new identity in the form of 'anti-identity'.

Moving on to explore Lisa Duggan's popular notion of 'homonormativity' (Duggan, 2002), and the equally influential idea of 'homonationalism' (Puar, 2017), Lewis accepts the premise that the demand for equal marriage fits into a "legacy of imperialism" (p. 225) while conceding that the decision of same sex couples to marry or not to marry should not be understood as a political act. Lewis points out that a rejection of normativity does not imply a rejection of capitalism or neoliberalism or the participation in anything other than individual acts. Lewis also observes that these 'non-normative' subcultures often replace one set of 'norms' with another (pp. 229).

The final section of the book deals with the question 'what should queer politics demand today?' The limitations of the contemporary queer left in the US are a good starting point. The lack of an economic understanding of class and class struggle, and the idea that families perform the same conservatising function for working class and ruling class people are highlighted by Lewis as major hurdles to progress (pp.234). With low levels of class struggle, queers have become susceptible to "wishful thinking" and a "hope that queer sexuality itself could be a material force capable of challenging capitalism" (pp. 236).

It is Lewis's final conclusion, that "queer Marxism is only necessary insofar as Marxism does not automatically include trans, gender non-conforming, and sexually diverse people into its analysis of social relations" (pp.281) that is most troubling for those of us who work with both Marxism and sexuality. Lewis accepts Vogel (1987) and Brown's (2013) critiques of Engels *The Origins of the Family, Private Property and the State* (1884) including the idea that Engels did not pay enough attention to the psychological and ideological components of male supremacy in working class families. But for many Marxists the idea that Engels did not cover all aspect of women's or queer liberation may be missing the point. An assessment of Marx and Engels in their historical context shows how it may be naïve to think that they would

address 'queer' identity. In that case, the usefulness of Marxism may not be about particular content, but more about the nature of the dialectical project of a Marxism that is constantly in motion (Wolf, 2009).

Although Lewis offers some explanation of dialectics, the book does not engage with how a Marxist dialectical method is key defence against reductionism. Understanding that the totality of society is constantly dynamic and made up of many contradictory parts that react and interact with each other and the whole and cannot be simply reduced to single aspects is important in being able to investigate which parts may be more important or even fundamental. Objective and subjective realities, economics, culture, institutions, laws and human actions all make up parts of this totality. Sexuality and gender identity are subject to these same dynamics that a Marxist method can contribute to illuminating.

The ambiguity that Lewis has about the nature of what she describes as "(arguably) non-capitalist societies such as Cuba, the Soviet Union, and China" (pp. 152) may provide a clue about the type of socialist tradition that shapes the politics of this book. This is also reflected in arguments about women's progress in the Chinese revolution of 1925–27 and left nationalist movements in Latin America (pp. 168) as well as her description of the collapse of the Soviet Union as "communism crumbling beneath the weight of its errors" (pp. 175). Unlike the revolutionary traditions that describe the Soviet Union and China as examples of 'State Capitalism' (Cliff, 1974, Resnick and Wolff, 1993), Lewis is equivocal about whether or not these places are capitalist or communist. This lack of clarity could be an indication of a particular perspective on the kind of socialist future Lewis envisages, although this is not specifically addressed in the book.

When Lewis argues that class "is primary—not in the sense of more important, but in the sense of being the limit, the foundation, the point where profit is extracted and the point where it can be challenged. The centrality of class is tactical, not moral" (pp. 274–5) there is a danger of the argument collapsing back into economic determinism that puts economic questions before questions of identity. Without making the connections between struggles or acts of resistance around identity and class struggle, the argument misses a step of *how class power is mobilised*. It is certainly a challenging environment for Marxist scholars working across a period of historically low levels of class struggle but this should encourage us to work even harder to convince those who subscribe to oppositional theoretical frameworks that Marxism is not a 19th century relic. Allowing space for a more thorough engagement with the core texts of Marxism, rather than selective dismissals of Marx and Engels, would potentially support this project (Allman, 2010).

In conclusion, Lewis puts forward "Ten axioms towards a queer Marxist future" centred on a commitment to solidarity that "implies antagonism" and the "taking of sides" (pp. 259). Many of these are useful counterweights to prevailing ideas about stultified approaches to Marxism. A politics of everybody, Lewis argues, is not about unity for the moral sake of it but about understanding the totality of the world as a way of understanding how to change it. Despite some weaknesses, in the current political climate, Lewis's argument that "women's sexual liberation is tied to class struggle" (pp. 182) and that queer liberation is not possible without the dismantling of capitalist economic relations is an important intervention.

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Website: www.incitestories.com.au

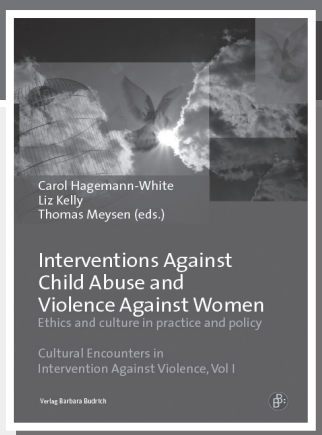
Reubs Walsh is a social cognitive neuroscientist at the Vrije Universiteit Amsterdam where they study the role of the social environment on development, especially in adolescent social cognition, and the consequences for mental health. Walsh examines social processes from a cognitive neuroscience perspective to develop strong theoretical frameworks for understanding identity processes in typically developing and autistic individuals. Walsh's current projects are focused on understanding the role of the social environment in differences in mental health, as mediated by identity, and use sociometric, behavioural and dynamic-systems methodologies alongside self-report to investigate how children's and adolescents' negotiation and experiences of socially contextual identity is connected to mental health and wellbeing. Walsh has collaborative relationships working on projects investigating the neuropsychology of political conflict, the neuroendocrinology of adolescent self-other distinction, and diverse topics in transgender mental and physical health (mostly brain-health). Future work will explore the role of short- and long-term social context and sex-related hormones in (un/) healthy brain-development and ageing.

e-mail: r.j.walsh@vu.nl

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Roz Ward co-founded and directed Safe Schools Coalition Victoria from 2010 until 2017 at La Trobe University to support more LGBTI inclusive education. As a result of a massive media and political backlash against the program, Roz became one of the most well known Marxists in Australia and won the MCV People's Choice award at the GLOBE LGBTI Awards in 2016. Roz is currently completing a PhD and teaching in the School of Education at RMIT and is an active member of the NTEU as well as being involved in a range of political and social justice campaigns.
e-mail:

website: <https://twitter.com/roztward?lang=en>



Carol Hagemann-White, Liz Kelly,
Thomas Meysen (eds.)

Interventions Against Child Abuse and Violence Against Women

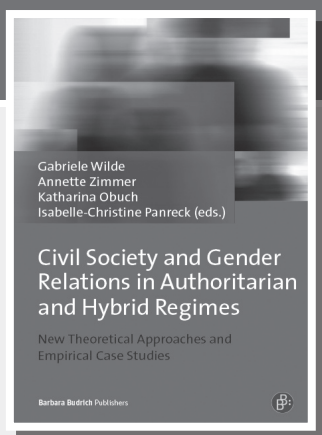
Ethics and culture in practice and policy

Cultural Encounters in Intervention Against Violence, 1

2020 • 279 pp. • Pb. • 39,90 € (D), 41,10 € (A), US\$58.00, GBP 36.95

ISBN 978-3-8474-2047-7 • eISBN 978-3-8474-1029-4

This book offers insights and perspectives from a study of “Cultural Encounters in Intervention Against Violence” (CEINAV) in four EU-countries. Seeking a deeper understanding of the underpinnings of intervention practices in Germany, Portugal, Slovenia and the United Kingdom, the team explored variations in institutional structures and traditions of law, policing, and social welfare. Theories of structural inequality and ethics are discussed and translated into practice.



Gabriele Wilde et al. (eds.)

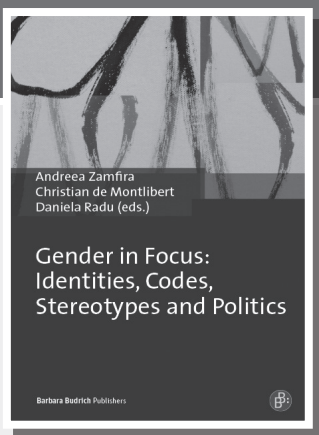
Civil Society and Gender Relations in Authoritarian and Hybrid Regimes

New Theoretical Approaches and Empirical Case Studies

2018 • 269 pp. • Pb. • 33,00 € (D), 34,00 € (A), US\$47.95, GBP 29.95
ISBN 978-3-8474-0729-4 • eISBN 978-3-8474-0874-1

Is civil society's influence favorable to the evolvement of democratic structures and democratic gender relations? While traditional approaches would answer in the affirmative, the authors highlight the ambivalences. Focusing on women's organizations in authoritarian and hybrid regimes, they cover the full spectrum of civil society's possible performance: from its important role in the overcoming of power relations to its reinforcement as backers of government structures or the distribution of antifeminist ideas.

www.barbara-budrich.net



Andreea Zamfira, Christian de
Montlibert, Daniela Radu (eds.)

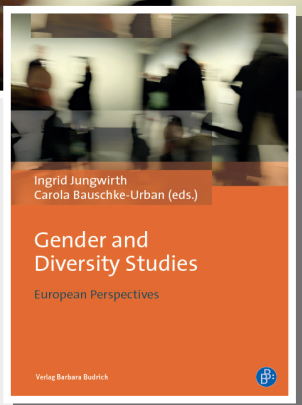
Gender in Focus: Identities, Codes, Stereotypes and Politics

2018 • 370 pp. • Pb. • 49,90 € (D), 51,30 € (A), US\$70.00, GBP 44.00
ISBN 978-3-8474-2183-2 • eISBN 978-3-8474-1211-3

This book deals with the interplay between identities, codes, stereotypes and politics governing the various constructions and deconstructions of gender in several Western and non-Western societies (Germany, Italy, Serbia, Romania, Cameroon, Indonesia, Vietnam, and others). Readers are invited to discover the realm of gender studies and to reflect upon the transformative potentialities of globalisation and interculturality.

„In order to see how gender issues are connected with political science and human rights this book is an instant classic.“

Radu Carp, Professor of Political Science, University of Bucharest



Ingrid Jungwirth,
Carola Bauschke-Urban (eds.)

Gender and Diversity Studies

European Perspectives

2019 • 326 pp. • Pb. • 39,90 € (D), 41,10 € (A), US\$47.95, GBP 29.95
ISBN 978-3-8474-0549-8 • eISBN 978-3-8474-0948-9

What concepts of 'gender' and 'diversity' emerge in the different regions and pertinent research and practical fields? On the back drop of current European developments – from the deregulation of economy, a shrinking welfare state to the dissolution and reinforcement of borders – the book examines the development of Gender and Diversity Studies in different European regions as well as beyond and focuses on central fields of theoretical reflection, empirical research and practical implementation policies and politics.

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